

Senate Study Bill 1207

SENATE FILE \_\_\_\_\_
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON LAMBERTI)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to public expenditure and regulatory matters,
2 compensating public employees, making and reducing
3 appropriations, providing for related matters, making
4 penalties applicable, and providing effective dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1133XC 80
7 mg/sh/8

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1 1 DIVISION I
1 2 MH/MR/DD ALLOWED GROWTH
1 3 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
1 4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT
1 5 AND ALLOCATIONS == FISCAL YEAR 2004=2005.
1 6 1. There is appropriated from the general fund of the
1 7 state to the department of human services for the fiscal year
1 8 beginning July 1, 2004, and ending June 30, 2005, the
1 9 following amount, or so much thereof as is necessary, to be
1 10 used for the purpose designated:
1 11 For distribution to counties of the county mental health,
1 12 mental retardation, and developmental disabilities allowed
1 13 growth factor adjustment, as provided in this section in lieu
1 14 of the provisions of section 331.438, subsection 2, and
1 15 section 331.439, subsection 3, and chapter 426B:
1 16 ..... \$ 23,738,749
1 17 2. The funding appropriated in this section is the allowed
1 18 growth factor adjustment for fiscal year 2004=2005, and is
1 19 allocated as follows:
1 20 a. For distribution as provided by law:
1 21 ..... \$ 21,738,749
1 22 b. For deposit in the risk pool created in the property
1 23 tax relief fund and for distribution in accordance with
1 24 section 426B.5, subsection 2:
1 25 ..... \$ 2,000,000
1 26 DIVISION II
1 27 STANDING APPROPRIATIONS == REDUCTIONS
1 28 Sec. 2. GENERAL ASSEMBLY. The appropriations made
1 29 pursuant to section 2.12 for the expenses of the general
1 30 assembly and legislative agencies for the fiscal year
1 31 beginning July 1, 2003, and ending June 30, 2004, are reduced
1 32 by the following amount:
1 33 ..... \$ 2,000,000
1 34 Sec. 3. REBUILD IOWA INFRASTRUCTURE FUND. Notwithstanding
1 35 section 8.56, subsection 4, there is appropriated from the
2 1 cash reserve fund to the rebuild Iowa infrastructure fund
2 2 created in section 8.57 for the fiscal year beginning July 1,
2 3 2002, and ending June 30, 2003, the following amount:
2 4 ..... \$ 2,150,000
2 5 Sec. 4. ENVIRONMENT FIRST FUND. Notwithstanding the
2 6 amount of the standing appropriation from the rebuild Iowa
2 7 infrastructure fund under section 8.57A, subsection 4, there
2 8 is appropriated from the rebuild Iowa infrastructure fund to
2 9 the environment first fund, in lieu of the appropriation made
2 10 in section 8.57A, for the fiscal year beginning July 1, 2002,
2 11 and ending June 30, 2003, the following amount:
2 12 ..... \$ 18,445,000
2 13 Sec. 5. AT=RISK CHILDREN PROGRAMS. Notwithstanding the
2 14 standing appropriation in section 279.51, subsection 1, the
2 15 amount appropriated from the general fund of the state under
2 16 section 279.51, subsection 1, to the department of education
2 17 for the fiscal year beginning July 1, 2003, and ending June
2 18 30, 2004, is reduced by the following amount:
2 19 ..... \$ 1,000,000
2 20 The amount of the reduction in this section shall be

2 21 prorated among the programs specified in section 279.51,  
 2 22 subsection 1, paragraphs "a", "b", and "c".  
 2 23 Sec. 6. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.  
 2 24 Notwithstanding section 312.2, subsection 14, the amount  
 2 25 appropriated from the general fund of the state under section  
 2 26 312.2, subsection 14, to the state department of  
 2 27 transportation for public transit assistance under chapter  
 2 28 324A for the fiscal year beginning July 1, 2003, and ending  
 2 29 June 30, 2004, is reduced by the following amount:  
 2 30 ..... \$ 1,298,675  
 2 31 Sec. 7. Section 294A.25, subsection 1, Code 2003, is  
 2 32 amended to read as follows:  
 2 33 1. For the fiscal year beginning July 1, ~~2000~~ 2003, and  
 2 34 for each succeeding year, there is appropriated from the  
 2 35 general fund of the state to the department of education the  
 3 1 amount of ~~eighty fifty=six~~ million eight hundred ninety=one  
 3 2 thousand three hundred thirty=six dollars to be used to  
 3 3 improve teacher salaries. The moneys shall be distributed as  
 3 4 provided in this section.  
 3 5 Sec. 8. EFFECTIVE DATE. The sections of this division of  
 3 6 this Act relating to the appropriations made to the rebuild  
 3 7 Iowa infrastructure fund and environment first fund for the  
 3 8 fiscal year beginning July 1, 2002, being deemed of immediate  
 3 9 importance, take effect upon enactment.  
 3 10 DIVISION III  
 3 11 STANDING APPROPRIATIONS == LIMITATIONS  
 3 12 Sec. 9. Notwithstanding the standing appropriations in the  
 3 13 following designated sections for the fiscal year beginning  
 3 14 July 1, 2003, and ending June 30, 2004, the amounts  
 3 15 appropriated from the general fund of the state pursuant to  
 3 16 those sections for the following designated purposes shall not  
 3 17 exceed the following amounts:  
 3 18 1. For compensation of officers and enlisted persons and  
 3 19 their expenses while on state active duty as authorized in  
 3 20 section 29A.27:  
 3 21 ..... \$ 432,450  
 3 22 2. For payment for nonpublic school transportation under  
 3 23 section 285.2:  
 3 24 ..... \$ 7,799,550  
 3 25 If total approved claims for reimbursement for nonpublic  
 3 26 school pupil transportation claims exceed the amount  
 3 27 appropriated in this section, the department of education  
 3 28 shall prorate the amount of each claim.  
 3 29 3. For printing cigarette tax stamps under section 453A.7:  
 3 30 ..... \$ 110,055  
 3 31 4. For the state's share of the cost of the peace  
 3 32 officers' retirement benefits under section 411.20:  
 3 33 ..... \$ 2,816,189  
 3 34 5. For payment of livestock production credit refunds  
 3 35 under section 422.121:  
 4 1 ..... \$ 1,815,735  
 4 2 6. For reimbursement for the homestead property tax credit  
 4 3 under section 425.1:  
 4 4 ..... \$105,585,004  
 4 5 7. For reimbursement for the agricultural land and family  
 4 6 farm tax credits under section 426.1:  
 4 7 ..... \$ 35,497,624  
 4 8 8. For reimbursement for the military service tax credit  
 4 9 under section 426A.1A:  
 4 10 ..... \$ 2,569,712  
 4 11 9. For administration expenses of the state unemployment  
 4 12 compensation law under chapter 96:  
 4 13 ..... \$ 450,000  
 4 14 10. For payment of certain interest costs due the federal  
 4 15 government under the federal Cash Management and Improvement  
 4 16 Act under section 421.31:  
 4 17 ..... \$ 550,000  
 4 18 11. For funding the state's deferred compensation program  
 4 19 established for state employees under section 509A.12:  
 4 20 ..... \$ 56,501  
 4 21 Sec. 10. ELDERLY AND DISABLED CREDIT. Notwithstanding the  
 4 22 standing appropriation in section 425.39, the amount  
 4 23 appropriated from the general fund of the state under section  
 4 24 425.39, for the fiscal year beginning July 1, 2003, and ending  
 4 25 June 30, 2004, for purposes of implementing the elderly and  
 4 26 disabled credit and reimbursement portion of the extraordinary  
 4 27 property tax and reimbursement division of chapter 425, shall  
 4 28 not exceed \$16,651,800. The director shall pay, in full, all  
 4 29 claims to be paid during the fiscal year beginning July 1,  
 4 30 2003, for reimbursement of rent constituting property taxes  
 4 31 paid. If the amount of claims for credit for property taxes

4 32 due to be paid during the fiscal year beginning July 1, 2003,  
4 33 exceeds the amount remaining after payment to renters, the  
4 34 director of revenue and finance shall prorate the payments to  
4 35 the counties for the property tax credit. In order for the  
5 1 director to carry out the requirements of this section,  
5 2 notwithstanding any provision to the contrary in sections  
5 3 425.16 through 425.39, claims for reimbursement for rent  
5 4 constituting property taxes paid filed before May 1, 2004,  
5 5 shall be eligible to be paid in full during the fiscal year  
5 6 ending June 30, 2004, and those claims filed on or after May  
5 7 1, 2004, shall be eligible to be paid during the fiscal year  
5 8 beginning July 1, 2004, and the director is not required to  
5 9 make payments to counties for the property tax credit before  
5 10 June 15, 2004.

5 11 DIVISION IV

5 12 REVENUE ADJUSTMENTS == APPROPRIATIONS

5 13 Sec. 11. IOWA ECONOMIC EMERGENCY AND RESERVE FUNDS ==  
5 14 EARNINGS. Notwithstanding section 8.55, subsection 4, and  
5 15 section 8.56, subsection 1, for the fiscal year beginning July  
5 16 1, 2003, and ending June 30, 2004, the interest and earnings  
5 17 on moneys deposited in the Iowa economic emergency fund and  
5 18 the cash reserve fund shall be credited to the general fund of  
5 19 the state.

5 20 Sec. 12. USE OF REVERSIONS. Notwithstanding section 8.62,  
5 21 if on June 30, 2004, a balance of an operational  
5 22 appropriation, as defined in section 8.62, remains unexpended  
5 23 or unencumbered, the balance shall revert to the general fund  
5 24 of the state as provided in section 8.33.

5 25 Sec. 13. KEEP IOWA BEAUTIFUL FUND. For the fiscal years  
5 26 beginning July 1, 2002, and July 1, 2003, moneys credited to  
5 27 the keep Iowa beautiful fund in accordance with section  
5 28 422.12A are appropriated to the state department of  
5 29 transportation to be used for the purposes provided in section  
5 30 314.28.

5 31 Sec. 14. ENDOWMENT FOR IOWA'S HEALTH. For the fiscal year  
5 32 beginning July 1, 2003, and ending June 30, 2004, of the  
5 33 \$70,000,000 to be deposited in the endowment for Iowa's health  
5 34 account of the tobacco settlement trust fund under 2001 Iowa  
5 35 Acts, chapter 174, section 1, subsection 1, the following  
6 1 amount shall instead be deposited in the general fund of the  
6 2 state:

6 3 ..... \$ 20,000,000

6 4 Sec. 15. JUNIOR OLYMPICS. There is appropriated from the  
6 5 general fund of the state to the department of economic  
6 6 development for the fiscal year beginning July 1, 2003, and  
6 7 ending June 30, 2004, the following amount, or so much thereof  
6 8 as is necessary, to be used for the purpose designated:

6 9 For providing assistance to a city or nonprofit  
6 10 organization hosting the national junior olympics:  
6 11 ..... \$ 50,000

6 12 Sec. 16. Section 8.55, subsection 2, paragraph c, Code  
6 13 2003, is amended to read as follows:

6 14 c. Notwithstanding paragraph "a", any moneys in excess of  
6 15 the maximum balance in the economic emergency fund after the  
6 16 distribution of the surplus in the general fund of the state  
6 17 at the conclusion of each fiscal year and after the  
6 18 appropriate amount has been transferred pursuant to paragraph  
6 19 "b", shall not be transferred to the general fund of the state  
6 20 but shall be transferred to the senior living trust fund. The  
6 21 total amount transferred, in the aggregate, under this  
6 22 paragraph for all fiscal years shall not exceed ~~fifty-one one~~  
6 23 ~~hundred eighteen million five hundred thousand~~ dollars.

6 24 Sec. 17. Section 8.57, subsection 1, paragraph a,  
6 25 unnumbered paragraph 1, Code Supplement 2001, as enacted by  
6 26 2002 Iowa Acts, Second Extraordinary Session, chapter 1001,  
6 27 section 28, is amended to read as follows:

6 28 The "cash reserve goal percentage" for fiscal years  
6 29 beginning on or after July 1, ~~2003~~ 2004, is seven and one-half  
6 30 percent of the adjusted revenue estimate. For each fiscal  
6 31 year ~~beginning on or after July 1, 2003~~, in which the  
6 32 appropriation of the surplus existing in the general fund of  
6 33 the state at the conclusion of the prior fiscal year pursuant  
6 34 to paragraph "b" was not sufficient for the cash reserve fund  
6 35 to reach the cash reserve goal percentage for the current  
7 1 fiscal year, there is appropriated from the general fund of  
7 2 the state an amount to be determined as follows:

7 3 Sec. 18. Section 260G.4B, subsection 1, Code 2003, is  
7 4 amended to read as follows:

7 5 1. The total amount of program job credits from all  
7 6 employers which shall be allocated for all accelerated career  
7 7 education programs in the state in any one fiscal year shall

7 8 not exceed the sum of three million dollars in the fiscal year  
7 9 beginning July 1, 2000, three million dollars in the fiscal  
7 10 year beginning July 1, 2001, three million dollars in the  
7 11 fiscal year beginning July 1, 2002, four million dollars in  
7 12 the fiscal year beginning July 1, 2003, and six million  
7 13 dollars in the fiscal year beginning July 1, ~~2003~~ 2004, and  
7 14 every fiscal year thereafter. Any increase in program job  
7 15 credits above the six-million-dollar limitation per fiscal  
7 16 year shall be developed, based on recommendations in a study  
7 17 which shall be conducted by the department of economic  
7 18 development of the needs and performance of approved programs  
7 19 in the fiscal years beginning July 1, 2000, and July 1, 2001.  
7 20 The study's findings and recommendations shall be submitted to  
7 21 the general assembly by the department by December 31, 2002.  
7 22 The study shall include but not be limited to an examination  
7 23 of the quality of the programs, the number of program  
7 24 participant placements, the wages and benefits in program  
7 25 jobs, the level of employer contributions, the size of  
7 26 participating employers, and employer locations. A community  
7 27 college shall file a copy of each agreement with the  
7 28 department of economic development. The department shall  
7 29 maintain an annual record of the proposed program job credits  
7 30 under each agreement for each fiscal year. Upon receiving a  
7 31 copy of an agreement, the department shall allocate any  
7 32 available amount of program job credits to the community  
7 33 college according to the agreement sufficient for the fiscal  
7 34 year and for the term of the agreement. When the total  
7 35 available program job credits are allocated for a fiscal year,  
8 1 the department shall notify all community colleges that the  
8 2 maximum amount has been allocated and that further program job  
8 3 credits will not be available for the remainder of the fiscal  
8 4 year. Once program job credits have been allocated to a  
8 5 community college, the full allocation shall be received by  
8 6 the community college throughout the fiscal year and for the  
8 7 term of the agreement even if the statewide program job credit  
8 8 maximum amount is subsequently allocated and used.

8 9 Sec. 19. 2001 Iowa Acts, chapter 174, section 1,  
8 10 subsection 2, as amended by 2002 Iowa Acts, chapter 1174,  
8 11 section 8, is amended to read as follows:

8 12 2. There is appropriated from the general fund of the  
8 13 state to the endowment for Iowa's health account of the  
8 14 tobacco settlement trust fund created in section 12E.12, for  
8 15 the designated fiscal years, the following amounts, to be used  
8 16 for the purposes specified in section 12E.12 for the endowment  
8 17 for Iowa's health account:

8 18	FY 2001=2002 .....	\$ 7,248,000
8 19	FY 2003=2004 .....	\$ <del>28,251,000</del>
8 20		0
8 21	FY 2004=2005 .....	\$ 29,785,000
8 22	FY 2005=2006 .....	\$ 29,562,000
8 23	FY 2006=2007 .....	\$ 17,773,000

8 24 Sec. 20. 2002 Iowa Acts, Second Extraordinary Session,  
8 25 chapter 1001, section 33, is amended to read as follows:  
8 26 SEC. 33. EFFECTIVE DATE == APPLICABILITY. The amendments  
8 27 to the following designated Code provisions in this division  
8 28 of this Act take effect July 1, ~~2003~~ 2004:

- 8 29 1. Section 8.55, subsection 2, paragraph "a".
- 8 30 2. Section 8.56, subsection 4, paragraph "b".
- 8 31 3. Section 8.57, subsection 1, paragraph "a".

8 32 RACING AND GAMING COMMISSION  
8 33 Sec. 21. 2002 Iowa Acts, Second Extraordinary Session,  
8 34 chapter 1003, section 9, subsection 1, is amended to read as  
8 35 follows:

9 1 1. RACETRACK REGULATION  
9 2 There is appropriated from the general fund of the state to  
9 3 the racing and gaming commission of the department of  
9 4 inspections and appeals for the fiscal year beginning July 1,  
9 5 2002, and ending June 30, 2003, the following amount, or so  
9 6 much thereof as is necessary, to be used for the purposes  
9 7 designated:

9 8	For salaries, support, maintenance, and miscellaneous	
9 9	purposes for the regulation of pari-mutuel racetracks, and for	
9 10	not more than the following full-time equivalent positions:	
9 11	.....	\$ 2,083,762
9 12	.....	<u>2,163,762</u>
9 13	..... FTEs	24.78

9 14 Of the funds appropriated in this subsection, \$85,576 shall  
9 15 be used to conduct an extended harness racing season.

9 16 Sec. 22. EFFECTIVE DATE. The following provisions of this  
9 17 division of this Act, being deemed of immediate importance,  
9 18 take effect upon enactment:

9 19 1. The section appropriating moneys from the keep Iowa  
9 20 beautiful fund.  
9 21 2. The section amending 2002 Iowa Acts, Second  
9 22 Extraordinary Session, chapter 1003, section 9, relating to  
9 23 racetrack regulation.

9 24 DIVISION V

9 25 COMPENSATION AND BENEFITS

9 26 Sec. 23. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==  
9 27 GENERAL FUND. There is appropriated from the general fund of  
9 28 the state to the salary adjustment fund for distribution by  
9 29 the department of management to the various state departments,  
9 30 boards, commissions, councils, and agencies, and to the state  
9 31 board of regents for those persons employed at the state  
9 32 school for the deaf and the Iowa braille and sight saving  
9 33 school, for the fiscal year beginning July 1, 2003, and ending  
9 34 June 30, 2004, the amount of \$25,000,000, or so much thereof  
9 35 as may be necessary, to fully fund annual pay adjustments,  
10 1 expense reimbursements, and related benefits implemented  
10 2 pursuant to the following:

10 3 1. The collective bargaining agreement negotiated pursuant  
10 4 to chapter 20 for employees in the blue collar bargaining  
10 5 unit.

10 6 2. The collective bargaining agreement negotiated pursuant  
10 7 to chapter 20 for employees in the public safety bargaining  
10 8 unit.

10 9 3. The collective bargaining agreement negotiated pursuant  
10 10 to chapter 20 for employees in the security bargaining unit.

10 11 4. The collective bargaining agreement negotiated pursuant  
10 12 to chapter 20 for employees in the technical bargaining unit.

10 13 5. The collective bargaining agreement negotiated pursuant  
10 14 to chapter 20 for employees in the professional fiscal and  
10 15 staff bargaining unit.

10 16 6. The collective bargaining agreement negotiated pursuant  
10 17 to chapter 20 for employees in the clerical bargaining unit.

10 18 7. The collective bargaining agreement negotiated pursuant  
10 19 to chapter 20 for employees in the professional social  
10 20 services bargaining unit.

10 21 8. The collective bargaining agreement negotiated pursuant  
10 22 to chapter 20 for employees in the community-based corrections  
10 23 bargaining unit.

10 24 9. The collective bargaining agreements negotiated  
10 25 pursuant to chapter 20 for employees in the judicial branch of  
10 26 government bargaining units.

10 27 10. The annual pay adjustments, related benefits, and  
10 28 expense reimbursements referred to in the sections of this  
10 29 division of this Act for employees not covered by a collective  
10 30 bargaining agreement.

10 31 Sec. 24. NONCONTRACT STATE EMPLOYEES == GENERAL.

10 32 1. a. For the fiscal year beginning July 1, 2003, the  
10 33 maximum salary levels of all pay plans provided for in section  
10 34 19A.9, subsection 2, as they exist for the fiscal year ending  
10 35 June 30, 2003, shall be increased by 2 percent for the pay  
11 1 period beginning June 20, 2003, and any additional changes in  
11 2 the pay plans shall be approved by the governor.

11 3 b. For the fiscal year beginning July 1, 2003, employees  
11 4 may receive a step increase or the equivalent of a step  
11 5 increase.

11 6 2. The pay plans for state employees who are exempt from  
11 7 chapter 19A and who are included in the department of revenue  
11 8 and finance's centralized payroll system shall be increased in  
11 9 the same manner as provided in subsection 1, and any  
11 10 additional changes in any executive branch pay plans shall be  
11 11 approved by the governor.

11 12 3. This section does not apply to members of the general  
11 13 assembly, board members, commission members, salaries of  
11 14 persons set by the general assembly in statute, salaries of  
11 15 appointed state officers set by the governor, other persons  
11 16 designated, employees designated under section 19A.3,  
11 17 subsection 5, and employees covered by 581 IAC 4.6(3).

11 18 4. The pay plans for the bargaining eligible employees of  
11 19 the state shall be increased in the same manner as provided in  
11 20 subsection 1, and any additional changes in such executive  
11 21 branch pay plans shall be approved by the governor. As used  
11 22 in this section, "bargaining eligible employee" means an  
11 23 employee who is eligible to organize under chapter 20, but has  
11 24 not done so.

11 25 5. The policies for implementation of this section shall  
11 26 be approved by the governor.

11 27 Sec. 25. STATE EMPLOYEES == STATE BOARD OF REGENTS.

11 28 1. Funds from the appropriation made in this division of  
11 29 this Act from the general fund of the state to the salary

11 30 adjustment fund shall be allocated by the department of  
11 31 management to the state board of regents for the purposes of  
11 32 providing increases for state board of regents employees at  
11 33 the state school for the deaf and the Iowa braille and sight  
11 34 saving school who are addressed by that appropriation and  
11 35 employees of the schools who are not covered by a collective  
12 1 bargaining agreement.

12 2 2. The state board of regents office and the state  
12 3 university of Iowa, Iowa state university of science and  
12 4 technology, and the university of northern Iowa shall provide  
12 5 from available sources pay adjustments, expense  
12 6 reimbursements, and related benefits to fully fund the  
12 7 following:

12 8 a. The collective bargaining agreement negotiated pursuant  
12 9 to chapter 20 for employees in the university of northern Iowa  
12 10 faculty bargaining unit.

12 11 b. The collective bargaining agreement negotiated pursuant  
12 12 to chapter 20 for employees in the patient care bargaining  
12 13 unit.

12 14 c. The collective bargaining agreement negotiated pursuant  
12 15 to chapter 20 for employees in the science bargaining unit.

12 16 d. The collective bargaining agreement negotiated pursuant  
12 17 to chapter 20 for employees in the state university of Iowa  
12 18 graduate student bargaining unit.

12 19 e. The collective bargaining agreement negotiated pursuant  
12 20 to chapter 20 for employees in the state university of Iowa  
12 21 hospital and clinics tertiary health care bargaining unit.

12 22 f. The collective bargaining agreement negotiated pursuant  
12 23 to chapter 20 for employees in the blue collar bargaining  
12 24 unit.

12 25 g. The collective bargaining agreement negotiated pursuant  
12 26 to chapter 20 for employees in the public safety bargaining  
12 27 unit.

12 28 h. The collective bargaining agreement negotiated pursuant  
12 29 to chapter 20 for employees in the security bargaining unit.

12 30 i. The collective bargaining agreement negotiated pursuant  
12 31 to chapter 20 for employees in the technical bargaining unit.

12 32 j. The collective bargaining agreement negotiated pursuant  
12 33 to chapter 20 for employees in the professional fiscal and  
12 34 staff bargaining unit.

12 35 k. The collective bargaining agreement negotiated pursuant  
13 1 to chapter 20 for employees in the clerical bargaining unit.

13 2 l. The annual pay adjustments, related benefits, and  
13 3 expense reimbursements referred to in the sections of this  
13 4 division of this Act for employees not covered by a collective  
13 5 bargaining agreement.

13 6 Sec. 26. APPROPRIATIONS FROM ROAD FUNDS.

13 7 1. There is appropriated from the road use tax fund to the  
13 8 salary adjustment fund for the fiscal year beginning July 1,  
13 9 2003, and ending June 30, 2004, the following amount, or so  
13 10 much thereof as may be necessary, to be used for the purpose  
13 11 designated:

13 12 To supplement other funds appropriated by the general  
13 13 assembly:

13 14 ..... \$ 3,000,000

13 15 2. There is appropriated from the primary road fund to the  
13 16 salary adjustment fund, for the fiscal year beginning July 1,  
13 17 2003, and ending June 30, 2004, the following amount, or so  
13 18 much thereof as may be necessary, to be used for the purpose  
13 19 designated:

13 20 To supplement other funds appropriated by the general  
13 21 assembly:

13 22 ..... \$ 12,000,000

13 23 3. Except as otherwise provided in this division of this  
13 24 Act, the amounts appropriated in subsections 1 and 2 shall be  
13 25 used to fund the annual pay adjustments, expense  
13 26 reimbursements, and related benefits for public employees as  
13 27 provided in this division of this Act.

13 28 Sec. 27. SPECIAL FUNDS == AUTHORIZATION. To departmental  
13 29 revolving, trust, or special funds, except for the primary  
13 30 road fund or the road use tax fund, for which the general  
13 31 assembly has established an operating budget, a supplemental  
13 32 expenditure authorization is provided, unless otherwise  
13 33 provided, in an amount necessary to fund salary adjustments as  
13 34 otherwise provided in this division of this Act.

13 35 Sec. 28. GENERAL FUND SALARY MONEYS. Funds appropriated  
14 1 from the general fund of the state in this division of this  
14 2 Act relate only to salaries supported from general fund  
14 3 appropriations of the state except for employees of the state  
14 4 board of regents at the state school for the deaf and the Iowa  
14 5 braille and sight saving school. The funds appropriated from

14 6 the general fund of the state for employees at the state  
14 7 school for the deaf and the Iowa braille and sight saving  
14 8 school of the state board of regents shall exclude general  
14 9 university indirect costs and general university federal  
14 10 funds.

14 11 Sec. 29. FEDERAL FUNDS APPROPRIATED. All federal grants  
14 12 to and the federal receipts of the agencies affected by this  
14 13 division of this Act which are received and may be expended  
14 14 for purposes of this division of this Act are appropriated for  
14 15 those purposes and as set forth in the federal grants or  
14 16 receipts.

14 17 Sec. 30. STATE TROOPER MEAL ALLOWANCE. The sworn peace  
14 18 officers in the department of public safety who are not  
14 19 covered by a collective bargaining agreement negotiated  
14 20 pursuant to chapter 20 shall receive the same per diem meal  
14 21 allowance as the sworn peace officers in the department of  
14 22 public safety who are covered by a collective bargaining  
14 23 agreement negotiated pursuant to chapter 20.

14 24 Sec. 31. SALARY MODEL COORDINATOR. Of the funds  
14 25 appropriated in this division of this Act from the general  
14 26 fund of the state, \$126,767 for the fiscal year beginning July  
14 27 1, 2003, is allocated to the department of management for  
14 28 salary and support of the salary model coordinator who shall  
14 29 work in conjunction with the legislative fiscal bureau to  
14 30 maintain the state's salary model used for analyzing,  
14 31 comparing, and projecting state employee salary and benefit  
14 32 information, including information relating to employees of  
14 33 the state board of regents. The department of revenue and  
14 34 finance, the department of personnel, the five institutions  
14 35 under the jurisdiction of the state board of regents, the  
15 1 eight judicial district departments of correctional services,  
15 2 and the state department of transportation shall provide  
15 3 salary data to the department of management and the  
15 4 legislative fiscal bureau to operate the state's salary model.  
15 5 The format and frequency of provision of the salary data shall  
15 6 be determined by the department of management and the  
15 7 legislative fiscal bureau. The information shall be used in  
15 8 collective bargaining processes under chapter 20 and in  
15 9 calculating the funding needs contained within the annual  
15 10 salary adjustment legislation. A state employee organization  
15 11 as defined in section 20.3, subsection 4, may request  
15 12 information produced by the model, but the information  
15 13 provided shall not contain information attributable to  
15 14 individual employees.

#### 15 15 DIVISION VI

#### 15 16 CORRECTIVE PROVISIONS

15 17 Sec. 32. Section 8A.202, subsection 2, paragraph e, if  
15 18 enacted by 2003 Iowa Acts, House File 534, is amended by  
15 19 striking the paragraph and inserting in lieu thereof the  
15 20 following:

15 21 e. Developing and maintaining an electronic repository for  
15 22 public access to reference copies of agency mandated reports,  
15 23 newsletters, and publications in conformity with section  
15 24 304B.10, subsection 1, paragraph "h". The department shall  
15 25 develop technical standards for an electronic repository in  
15 26 consultation with the state librarian and the state archivist.

15 27 Sec. 33. Section 99E.9, subsection 2, Code 2003, as  
15 28 amended by 2003 Iowa Acts, House File 171, section 31, is  
15 29 amended to read as follows:

15 30 2. Subject to the approval of the board, the commissioner  
15 31 may enter into contracts for the operation and marketing of  
15 32 the lottery, except that the board may by rule designate  
15 33 classes of contracts other than major procurements which do  
15 34 not require prior approval by the board. A major procurement  
15 35 shall be as the result of competitive bidding with the  
16 1 contract being awarded to the responsible vendor submitting  
16 2 the lowest and best proposal. However, before a contract for  
16 3 a major procurement is awarded, the division of criminal  
16 4 investigation of the department of public safety shall conduct  
16 5 a thorough background investigation of the vendor to whom the  
16 6 contract is to be awarded. The commissioner and board shall  
16 7 consult with the division of criminal investigation and shall  
16 8 provide, by rule, for the scope of the thorough background  
16 9 investigations and due diligence with regard to the background  
16 10 investigations to be conducted in connection with major  
16 11 procurements. The vendor shall submit to the division of  
16 12 criminal investigation appropriate investigation  
16 13 authorizations to facilitate this investigation. The  
16 14 background investigation by the division of criminal  
16 15 investigation may include a national criminal history ~~record~~  
16 16 check through the federal bureau of investigation. The

16 17 screening of vendors or their employees through the federal  
16 18 bureau of investigation shall be conducted by submission of  
16 19 fingerprints through the state criminal history repository to  
16 20 the federal bureau of investigation. As used in this  
16 21 subsection, "major procurement" means consulting agreements  
16 22 and the major procurement contract with a business  
16 23 organization for the printing of tickets, or for purchase or  
16 24 lease of equipment or services essential to the operation of a  
16 25 lottery game.

16 26 Sec. 34. Section 135.150, subsection 3, as enacted by 2003  
16 27 Iowa Acts, House File 396, section 1, is amended to read as  
16 28 follows:

16 29 3. "Director" means the director ~~or the director's~~  
16 30 ~~designee~~ of public health ~~or the director's designee~~.

16 31 Sec. 35. Section 135.154, subsection 7, as enacted by 2003  
16 32 Iowa Acts, House File 396, section 5, is amended to read as  
16 33 follows:

16 34 7. Treat or order that individuals exposed to or infected  
16 35 with disease receive treatment or prophylaxis. Treatment or  
17 1 prophylaxis shall be administered by any qualified person  
17 2 authorized to do so by the department. Treatment or  
17 3 prophylaxis shall not be provided or ordered if the treatment  
17 4 or prophylaxis is reasonably likely to lead to serious harm to  
17 5 the affected individual. To prevent the spread of  
17 6 communicable or potentially communicable disease, the  
17 7 department may isolate or quarantine, pursuant to chapter 139A  
17 8 and the rules implementing chapter 139A and this division of  
17 9 this chapter, any individual who is unable or unwilling to  
17 10 undergo treatment or prophylaxis pursuant to this section.

17 11 Sec. 36. Section 170.6, subsection 1, paragraph b, if  
17 12 enacted by 2003 Iowa Acts, House File 624, is amended to read  
17 13 as follows:

17 14 b. Failed to provide notice or access to the department of  
17 15 natural resources and the department of agriculture and land  
17 16 stewardship as required by section 170.5.

17 17 Sec. 37. Section 232.71B, subsection 7A, if enacted by  
17 18 2003 Iowa Acts, House File 558, section 1, is amended to read  
17 19 as follows:

17 20 7A. PROTECTIVE DISCLOSURE. If the department determines  
17 21 that disclosure is necessary for the protection of a child,  
17 22 the department may disclose to a subject of a child abuse  
17 23 report referred to in section 235A.15, subsection 2, paragraph  
17 24 "a", that an individual is listed in the child or dependent  
17 25 adult abuse registry or is required to register with the sex  
17 26 offender registry in accordance with chapter 692A.

17 27 Sec. 38. Section 235B.3, subsection 6A, if enacted by 2003  
17 28 Iowa Acts, House File 558, section 2, is amended to read as  
17 29 follows:

17 30 6A. If the department determines that disclosure is  
17 31 necessary for the protection of a dependent adult, the  
17 32 department may disclose to a subject of a dependent adult  
17 33 abuse report referred to in section 235B.6, subsection 2,  
17 34 paragraph "a", that an individual is listed in the child or  
17 35 dependent adult abuse registry or is required to register with  
18 1 the sex offender registry in accordance with chapter 692A.

18 2 Sec. 39. Section 304B.3, subsections 4, 8, and 9, if  
18 3 enacted by 2003 Iowa Acts, House File 648, section 6, are  
18 4 amended to read as follows:

18 5 4. The director of revenue ~~and finance~~.

18 6 8. The director of the department of ~~general~~  
18 7 administrative services.

18 8 9. ~~The director of the information technology department.~~

18 9 Sec. 40. Section 356.7, subsection 1, as amended by 2003  
18 10 Iowa Acts, House File 650, section 1, if enacted, is amended  
18 11 to read as follows:

18 12 1. The county sheriff, or a municipality operating a  
18 13 temporary municipal holding facility or jail, may charge a  
18 14 prisoner who is eighteen years of age or older and who has  
18 15 been convicted of a criminal offense or sentenced for contempt  
18 16 of court for violation of a domestic abuse order for the  
18 17 actual administrative costs relating to the arrest and booking  
18 18 of that prisoner, and for room and board provided to the  
18 19 prisoner while in the custody of the county sheriff or  
18 20 municipality. Moneys collected by the sheriff or municipality  
18 21 under this section shall be credited ~~respectfully~~ respectively  
18 22 to the county general fund or the city general fund and  
18 23 distributed as provided in this section. If a prisoner who  
18 24 has been convicted of a criminal offense or sentenced for  
18 25 contempt of court for violation of a domestic abuse order  
18 26 fails to pay for the administrative costs and the room and  
18 27 board, the sheriff or municipality may file a room and board

18 28 reimbursement claim with the district court as provided in  
18 29 subsection 2. The county attorney may file the reimbursement  
18 30 claim on behalf of the sheriff and the county or the  
18 31 municipality. The attorney for the municipality may also file  
18 32 a reimbursement claim on behalf of the municipality. This  
18 33 section does not apply to prisoners who are paying for their  
18 34 room and board by court order pursuant to sections 356.26  
18 35 through 356.35.

19 1 Sec. 41. Section 459.401, subsection 2, paragraph a,  
19 2 subparagraph (3A), if enacted by 2003 Iowa Acts, House File  
19 3 644, section 18, is amended to read as follows:

19 4 (3A) A commercial manure service license fee as provided  
19 5 in section ~~359.316~~ 459.316.

19 6 Sec. 42. Section 505A.1, article V, section 2, paragraph  
19 7 a, subparagraph (3), if enacted by 2003 Iowa Acts, House File  
19 8 647, section 54, is amended to read as follows:

19 9 (3) Four members from those compacting states with less  
19 10 than two percent of the market, based on the premium volume  
19 11 described in subparagraph (1), with one selected from each of  
19 12 the four zone regions of the national association of insurance  
19 13 commissioners as provided in the bylaws.

19 14 Sec. 43. Section 508.31A, subsection 2, paragraph b, Code  
19 15 2003, as amended by 2003 Iowa Acts, House File 647, section 7,  
19 16 if enacted, is amended to read as follows:

19 17 b. A funding agreement issued pursuant to paragraph "a",  
19 18 subparagraph (1), (2), or (3), shall be for a total amount of  
19 19 not less than one million dollars.

19 20 Sec. 44. Section 692A.13, subsection 9, if enacted by 2003  
19 21 Iowa Acts, House File 558, section 3, is amended to read as  
19 22 follows:

19 23 9. If the department of human services determines that  
19 24 disclosure is necessary for the protection of a child or a  
19 25 dependent adult, the department may disclose to a subject of a  
19 26 child abuse report referred to in section 235A.15, subsection  
19 27 2, paragraph "a", or to a subject of a dependent adult abuse  
19 28 report referred to in section 235B.6, subsection 2, paragraph  
19 29 "a", that an individual is listed in the child or dependent  
19 30 adult abuse registry or is required to register under this  
19 31 chapter.

19 32 Sec. 45. Section 901.5, subsection 7A, paragraph d, as  
19 33 enacted by 2003 Iowa Acts, House File 404, section 1, is  
19 34 amended to read as follows:

19 35 d. Violation of a no-contact order issued under this  
20 1 section is punishable by summary contempt proceedings. A  
20 2 hearing in a contempt proceeding brought pursuant to this  
20 3 subsection shall be held not less than five days and not more  
20 4 than fifteen days after the issuance of a rule to show cause,  
20 5 as set by the court, unless the defendant is already in  
20 6 custody at the time of the alleged violation in which case the  
20 7 hearing shall be held not less than five days and not more  
20 8 than forty-five days after the issuance of the rule to show  
20 9 cause.

20 10 Sec. 46. 2003 Iowa Acts, Senate File 155, section 26, is  
20 11 repealed.

20 12 Sec. 47. 2003 Iowa Acts, Senate File 155, section 56, is  
20 13 repealed.

20 14 Sec. 48. 2003 Iowa Acts, House File 601, section 2, is  
20 15 amended by striking the section and inserting in lieu thereof  
20 16 the following:

20 17 SEC. 2. Section 56.5, subsection 2, paragraph d, Code  
20 18 2003, is amended by striking the paragraph.

20 19 Sec. 49. 2003 Iowa Acts, House File 624, section 22, if  
20 20 enacted, is amended to read as follows:

20 21 SEC. 22. HUNTING PRESERVES AND GAME BREEDERS == AUTOMATIC  
20 22 CERTIFICATION. ~~Any A fence enclosing~~ farm deer kept on land  
20 23 which is owned by a person licensed pursuant to section 484B.5  
20 24 or 481A.61 ~~and which is enclosed with a fence~~ on the effective  
20 25 date of this Act shall be deemed to comply with construction  
20 26 requirements of section 170.4 and shall be automatically  
20 27 certified by the department of agriculture and land  
20 28 stewardship without ~~submitting~~ submission of an application.  
20 29 The landowner is not required to notify the department of  
20 30 natural resources concerning removal of whitetail as otherwise  
20 31 required pursuant to section 170.5.

20 32 Sec. 50. 2003 Iowa Acts, House File 648, section 1, if  
20 33 enacted, is repealed.

20 34 Sec. 51. CONTINGENT EFFECTIVE DATES.

20 35 1. The section of this division of this Act amending  
21 1 section 8A.202, subsection 2, if enacted by 2003 Iowa Acts,  
21 2 House File 534, takes effect if House File 648, relating to  
21 3 the management of state archives and records, is enacted by

21 4 the Eightieth General Assembly, 2003 Regular Session.  
21 5 2. The sections of this division of this Act amending  
21 6 section 304B.3, if enacted by 2003 Iowa Acts, House File 648,  
21 7 and repealing 2003 Iowa Acts, House File 648, section 1, if  
21 8 enacted, take effect if House File 534, establishing a  
21 9 department of administrative services, is enacted by the  
21 10 Eightieth General Assembly, 2003 Regular Session.

21 11 3. The section of this division of this Act repealing 2003  
21 12 Iowa Acts, Senate File 155, section 26, takes effect if 2003  
21 13 Iowa Acts, House File 614, relating to elections, is enacted  
21 14 by the Eightieth General Assembly, 2003 Regular Session.

21 15 DIVISION VII

21 16 MISCELLANEOUS PROVISIONS

21 17 Sec. 52. Section 12B.10, subsection 6, paragraph d,  
21 18 subparagraph (4), Code 2003, is amended to read as follows:

21 19 (4) For investments of short-term operating funds, the  
21 20 funds shall not be invested in investments having effective  
21 21 maturities exceeding sixty-three months.

21 22 Sec. 53. Section 12B.10A, subsection 6, paragraph d,  
21 23 subparagraph (4), Code 2003, is amended to read as follows:

21 24 (4) For investments of short-term operating funds, the  
21 25 funds shall not be invested in investments having effective  
21 26 maturities exceeding sixty-three months.

21 27 Sec. 54. Section 12E.12, subsection 8, Code 2003, is  
21 28 amended to read as follows:

21 29 8. With respect to the payment of certain debt service,  
21 30 the debt service to be paid shall be those installments of  
21 31 debt service on bonds selected by the treasurer of state and  
21 32 identified in the authority's tax certificate delivered at the  
21 33 time of the issuance of the bonds issued pursuant to this  
21 34 chapter, or as otherwise selected by the treasurer of state.  
21 35 Once the bonds and the installments of debt service thereon  
22 1 are so selected, that debt service and bonds shall not be  
22 2 paid, or provided to be paid, from any other source including  
22 3 the state or any of its departments or agencies. Provided,  
22 4 however, that if funds are not appropriated to pay debt  
22 5 service on such bonds when due, the issuing agency shall pay  
22 6 ~~such the~~ debt service from any available source as provided in  
22 7 the bond covenants ~~for such bonds~~. To the extent that this  
22 8 section does not allow proceeds of previously issued refunding  
22 9 bonds to be applied for the purpose of the refunding, the  
22 10 issuing agency may expend such proceeds to improve, remodel,  
22 11 or repair buildings or other infrastructure upon authorization  
22 12 of the issuing agency's authority.

22 13 Sec. 55. Section 15E.193B, subsection 4, Code 2003, is  
22 14 amended to read as follows:

22 15 4. The eligible housing business shall complete its  
22 16 building or rehabilitation within two years from the time the  
22 17 business begins construction on the single-family homes and  
22 18 dwelling units. The failure to complete construction or  
22 19 rehabilitation within two years shall result in the eligible  
22 20 housing business becoming ineligible and subject to the  
22 21 repayment requirements and penalties enumerated in subsection  
22 22 7. The department may extend the prescribed two-year  
22 23 completion period for any project which has not been completed  
22 24 if the department determines that completion within the two-  
22 25 year period is impossible or impractical as a result of a  
22 26 substantial loss caused by flood, fire, earthquake, storm, or  
22 27 other catastrophe. For purposes of this subsection,  
22 28 "substantial loss" means damage or destruction in an amount in  
22 29 excess of thirty percent of the project's expected eligible  
22 30 basis as set forth in the eligible housing business's  
22 31 application.

22 32 Sec. 56. NEW SECTION. 16.181 HOUSING TRUST FUND.

22 33 1. a. A housing trust fund is created within the  
22 34 authority. The moneys in the housing trust fund are annually  
22 35 appropriated to the authority to be used for the development  
23 1 and preservation of affordable housing for low-income people  
23 2 in the state. Payment of interest, recaptures of awards, or  
23 3 other repayments to the housing trust fund shall be deposited  
23 4 in the fund. Notwithstanding section 12C.7, interest or  
23 5 earnings on moneys in the housing trust fund or appropriated  
23 6 to the fund shall be credited to the fund. Notwithstanding  
23 7 section 8.33, unencumbered and unobligated moneys remaining in  
23 8 the fund at the close of each fiscal year shall not revert but  
23 9 shall remain available for expenditure for the same purposes  
23 10 in the succeeding fiscal year.

23 11 b. Assets in the housing trust fund shall consist of all  
23 12 of the following:

23 13 (1) Any assets received by the authority from the Iowa  
23 14 housing corporation.

23 15 (2) Any assets transferred by the authority for deposit in  
23 16 the housing trust fund.

23 17 (3) Any other moneys appropriated by the general assembly  
23 18 and any other moneys available to and obtained or accepted by  
23 19 the authority for placement in the housing trust fund.

23 20 c. The authority shall create the following programs  
23 21 within the housing trust fund:

23 22 (1) Local housing trust fund program. Sixty percent of  
23 23 available moneys in the housing trust fund shall be allocated  
23 24 for the local housing trust fund program. Any moneys  
23 25 remaining in the local housing trust fund program on April 1  
23 26 of each fiscal year which have not been awarded to a local  
23 27 housing trust fund may be transferred to the project-based  
23 28 housing program at any time prior to the end of the fiscal  
23 29 year.

23 30 (2) Project-based housing program. Forty percent of the  
23 31 available moneys in the housing trust fund shall be allocated  
23 32 to the project-based housing program.

23 33 2. a. In order to be eligible to apply for funding from  
23 34 the local housing trust fund program, a local housing trust  
23 35 fund must be approved by the authority and have all of the  
24 1 following:

24 2 (1) A local governing board recognized by the city,  
24 3 county, council of governments, or regional officials as the  
24 4 board responsible for coordinating local housing programs.

24 5 (2) A housing assistance plan approved by the authority.

24 6 (3) Sufficient administrative capacity in regard to  
24 7 housing programs.

24 8 (4) A local match requirement approved by the authority.

24 9 b. An award from the local housing trust fund program  
24 10 shall not exceed ten percent of the balance in the program at  
24 11 the beginning of the fiscal year plus ten percent of any  
24 12 deposits made during the fiscal year.

24 13 c. By December 31 of each year, a local housing trust fund  
24 14 receiving moneys from the local housing trust fund program  
24 15 shall submit a report to the authority itemizing expenditures  
24 16 of the awarded moneys.

24 17 3. In an area where no local housing trust fund exists, a  
24 18 person may apply for moneys from the project-based housing  
24 19 program.

24 20 4. The authority shall adopt rules pursuant to chapter 17A  
24 21 necessary to administer this section.

24 22 Sec. 57. Section 25.1, Code 2003, is amended by adding the  
24 23 following new subsection:

24 24 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2,  
24 25 and section 25.2, the state appeal board shall not consider  
24 26 claims for refund of the unused portion of vehicle  
24 27 registration fees collected under section 321.105.

24 28 Sec. 58. Section 28.9, subsection 2, Code 2003, is amended  
24 29 to read as follows:

24 30 2. a. A school ready children grants account is created  
24 31 in the Iowa empowerment fund under the authority of the  
24 32 director of the department of education. Moneys credited to  
24 33 the account shall be distributed by the department of  
24 34 education in the form of grants to community empowerment areas  
24 35 pursuant to criteria established by the Iowa board in  
25 1 accordance with law.

25 2 b. The distribution formula utilized by the Iowa board for  
25 3 school ready children grants in the fiscal year beginning July  
25 4 1, 2004, and for each succeeding fiscal year, shall  
25 5 specifically incorporate the following components:

25 6 (1) A minimum statewide performance baseline shall be  
25 7 established for the core indicators of performance identified  
25 8 pursuant to section 28.8, subsection 1, paragraph "a".

25 9 (2) A community empowerment area must maintain its  
25 10 designated status in good standing and must have received  
25 11 continued approval of its school ready children grant plan.

25 12 (3) The community empowerment area must identify how the  
25 13 core indicators of performance will be addressed by the area  
25 14 and select two or more of the core indicators that will  
25 15 achieve a minimum percentage of improvement identified by the  
25 16 area, subject to approval by the Iowa board. The community  
25 17 empowerment area's data for the calendar year preceding the  
25 18 year in which the area initially received a school ready  
25 19 children grant shall be used as the area's baseline year.

25 20 (4) If an area achieves the identified percentage level of  
25 21 improvement in the preceding calendar year, the area's minimum  
25 22 grant amount shall be the annualized grant amount received in  
25 23 the area's initial year of funding. The Iowa board may  
25 24 implement provisions for averaging the performance levels over  
25 25 two or more years and other approaches to apply the

25 26 requirements of this paragraph "b" in an equitable manner.

25 27 (5) If an area does not achieve the identified percentage  
25 28 level of improvement in the preceding calendar year, the area  
25 29 shall receive a reduction from the area's minimum grant  
25 30 amount. If the identified percentage level of improvement is  
25 31 achieved in the next succeeding calendar year, the area's  
25 32 minimum grant amount shall be restored.

25 33 Sec. 59. Section 29C.8, subsection 3, Code 2003, is  
25 34 amended by adding the following new paragraphs:

25 35 NEW PARAGRAPH. f. (1) Approve and support the  
26 1 development and ongoing operations of an urban search and  
26 2 rescue team to be deployed as a resource to supplement and  
26 3 enhance emergency and disaster operations.

26 4 (2) A member of an urban search and rescue team acting  
26 5 under the authority of the administrator or pursuant to a  
26 6 governor's disaster proclamation as provided in section 29C.6  
26 7 shall be considered an employee of the state under chapter 669  
26 8 and shall be afforded protection as an employee of the state  
26 9 under section 669.21. Disability, workers' compensation, and  
26 10 death benefits for team members working under the authority of  
26 11 the administrator or pursuant to the provisions of section  
26 12 29C.6 shall be paid by the state in a manner consistent with  
26 13 the provisions of chapter 85, 410, or 411 as appropriate,  
26 14 depending on the status of the member.

26 15 NEW PARAGRAPH. g. Develop, implement, and support a  
26 16 uniform incident command system to be used by state agencies  
26 17 to facilitate efficient and effective assistance to those  
26 18 affected by emergencies and disasters. This system shall be  
26 19 consistent with the requirements of the United States  
26 20 occupational safety and health administration and a national  
26 21 incident management system.

26 22 Sec. 60. Section 29C.20, subsection 1, Code 2003, is  
26 23 amended to read as follows:

26 24 1. a. A contingent fund is created in the state treasury  
26 25 for the use of the executive council which may be expended for  
26 26 the ~~purpose of paying~~ following purposes:

26 27 (1) ~~Paying~~ the expenses of suppressing an insurrection or  
26 28 riot, actual or threatened, when state aid has been rendered  
26 29 by order of the governor, ~~and for repairing,~~

26 30 (2) ~~Repairing,~~ rebuilding, or restoring state property  
26 31 injured, destroyed, or lost by fire, storm, theft, or  
26 32 unavoidable cause, ~~and for repairing,~~

26 33 (3) ~~Repairing,~~ rebuilding, or restoring state property  
26 34 ~~which that~~ is fiberoptic cable and ~~which that~~ is injured or  
26 35 destroyed by a wild animal, ~~and for aid to.~~

27 1 (4) ~~Paying the expenses incurred by and claims of an urban~~  
27 2 ~~search and rescue team when acting under the authority of the~~  
27 3 ~~administrator and the provisions of section 29C.6.~~

27 4 (5) (a) ~~Aiding~~ any governmental subdivision in an area  
27 5 declared by the governor to be a disaster area due to natural  
27 6 disasters or to expenditures necessitated by the governmental  
27 7 subdivision toward averting or lessening the impact of the  
27 8 potential disaster, where the effect of the disaster or action  
27 9 on the governmental subdivision is the immediate financial  
27 10 inability to meet the continuing requirements of local  
27 11 government.

27 12 (b) Upon application by a governmental subdivision in such  
27 13 an area, accompanied by a showing of obligations and  
27 14 expenditures necessitated by an actual or potential disaster  
27 15 in a form and with further information the executive council  
27 16 requires, the aid may be made in the discretion of the  
27 17 executive council and, if made, shall be in the nature of a  
27 18 loan up to a limit of seventy-five percent of the showing of  
27 19 obligations and expenditures. The loan, without interest,  
27 20 shall be repaid by the maximum annual emergency levy  
27 21 authorized by section 24.6, or by the appropriate levy  
27 22 authorized for a governmental subdivision not covered by  
27 23 section 24.6. The aggregate total of loans shall not exceed  
27 24 one million dollars during a fiscal year. A loan shall not be  
27 25 for an obligation or expenditure occurring more than two years  
27 26 previous to the application.

27 27 b. When a state department or agency requests that moneys  
27 28 from the contingent fund be expended to repair, rebuild, or  
27 29 restore state property injured, destroyed, or lost by fire,  
27 30 storm, theft, or unavoidable cause, or to repair, rebuild, or  
27 31 restore state property ~~which that~~ is fiberoptic cable and  
27 32 ~~which that~~ is injured or destroyed by a wild animal, or for  
27 33 payment of the expenses incurred by and claims of an urban  
27 34 search and rescue team when acting under the authority of the  
27 35 administrator and the provisions of section 29C.6, the

28 1 executive council shall consider the original source of the

28 2 funds for acquisition of the property before authorizing the  
28 3 expenditure. If the original source was other than the  
28 4 general fund of the state, the department or agency shall be  
28 5 directed to utilize moneys from the original source if  
28 6 possible. The executive council shall not authorize the  
28 7 repairing, rebuilding, or restoring of the property from the  
28 8 disaster aid contingent fund if it determines that moneys from  
28 9 the original source are available to finance the project.

28 10 Sec. 61. Section 99G.40, subsection 1, paragraph a, if  
28 11 enacted by 2003 Iowa Acts, Senate File 453, is amended to read  
28 12 as follows:

28 13 a. Submit quarterly and annual reports to the governor,  
28 14 state auditor, and the general assembly disclosing the total  
28 15 lottery revenues, prize disbursements, and other expenses of  
28 16 the authority during the reporting period. The fourth quarter  
28 17 report shall be included in the annual report made pursuant to  
28 18 this section. The annual report shall include a complete  
28 19 statement of lottery revenues, prize disbursements, and other  
28 20 expenses, and recommendations for changes in the law that the  
28 21 chief executive officer deems necessary or desirable. The  
28 22 annual report shall be submitted within one hundred twenty  
28 23 days after the close of the fiscal year. The chief executive  
28 24 officer shall report immediately to the governor, the  
28 25 treasurer of state, and the general assembly any matters that  
28 26 require immediate changes in the law in order to prevent  
28 27 abuses or evasions of this chapter or rules adopted or to  
28 28 rectify undesirable conditions in connection with the  
28 29 administration or operation of the lottery. The auditor of  
28 30 state and the auditor's legally authorized representatives may  
28 31 periodically examine the accounts and books of the authority,  
28 32 including its revenues, disbursements, contracts, leases,  
28 33 investments, and other records and papers relating to its  
28 34 financial standing.

28 35 Sec. 62. Section 260C.14, Code 2003, is amended by adding  
29 1 the following new subsection:

29 2 NEW SUBSECTION. 20. Adopt a policy to offer not less than  
29 3 the following options to a student who is a member of the Iowa  
29 4 national guard or reserve forces of the United States and who  
29 5 is ordered to active state service or federal service or duty:

29 6 a. Withdraw from the student's entire registration and  
29 7 receive a full refund of tuition and mandatory fees.

29 8 b. Make arrangements with the student's instructors for  
29 9 course grades, or for incompletes that shall be completed by  
29 10 the student at a later date. If such arrangements are made,  
29 11 the student's registration shall remain intact and tuition and  
29 12 mandatory fees shall be assessed for the courses in full.

29 13 c. Make arrangements with only some of the student's  
29 14 instructors for course grades, or for incompletes that shall  
29 15 be completed by the student at a later date. If such  
29 16 arrangements are made, the registration for those courses  
29 17 shall remain intact and tuition and mandatory fees shall be  
29 18 assessed for those courses. Any course for which arrangements  
29 19 cannot be made for grades or incompletes shall be considered  
29 20 dropped and the tuition and mandatory fees for the course  
29 21 refunded.

29 22 Sec. 63. Section 261.9, subsection 1, unnumbered paragraph  
29 23 1, Code 2003, is amended to read as follows:

29 24 "Accredited private institution" means an institution of  
29 25 higher learning located in Iowa which is operated privately  
29 26 and not controlled or administered by any state agency or any  
29 27 subdivision of the state, except for county hospitals as  
29 28 provided in paragraph "c" of this subsection, and which meets  
29 29 at least one of the criteria in paragraphs "a" through "c" and  
29 30 all of the criteria in paragraphs "d" through ~~"f"~~ "g":

29 31 Sec. 64. Section 261.9, subsection 1, Code 2003, is  
29 32 amended by adding the following new paragraph:

29 33 NEW PARAGRAPH. g. Adopts a policy to offer not less than  
29 34 the following options to a student who is a member of the Iowa  
29 35 national guard or reserve forces of the United States and who  
30 1 is ordered to active state service or federal service or duty:

30 2 (1) Withdraw from the student's entire registration and  
30 3 receive a full refund of tuition and mandatory fees.

30 4 (2) Make arrangements with the student's instructors for  
30 5 course grades, or for incompletes that shall be completed by  
30 6 the student at a later date. If such arrangements are made,  
30 7 the student's registration shall remain intact and tuition and  
30 8 mandatory fees shall be assessed for the courses in full.

30 9 (3) Make arrangements with only some of the student's  
30 10 instructors for grades, or for incompletes that shall be  
30 11 completed by the student at a later date. If such  
30 12 arrangements are made, the registration for those courses

30 13 shall remain intact and tuition and mandatory fees shall be  
30 14 assessed for those courses. Any course for which arrangements  
30 15 cannot be made for grades or incompletes shall be considered  
30 16 dropped and the tuition and mandatory fees for the course  
30 17 refunded.

30 18 Sec. 65. Section 262.9, Code 2003, is amended by adding  
30 19 the following new subsection:

30 20 NEW SUBSECTION. 29. Direct the institutions of higher  
30 21 education under its control to adopt a policy to offer not  
30 22 less than the following options to a student who is a member  
30 23 of the Iowa national guard or reserve forces of the United  
30 24 States and who is ordered to active state service or federal  
30 25 service or duty:

30 26 a. Withdraw from the student's entire registration and  
30 27 receive a full refund of tuition and mandatory fees.

30 28 b. Make arrangements with the student's instructors for  
30 29 course grades, or for incompletes that shall be completed by  
30 30 the student at a later date. If such arrangements are made,  
30 31 the student's registration shall remain intact and tuition and  
30 32 mandatory fees shall be assessed for the courses in full.

30 33 c. Make arrangements with only some of the student's  
30 34 instructors for grades, or for incompletes that shall be  
30 35 completed by the student at a later date. If such  
31 1 arrangements are made, the registration for those courses  
31 2 shall remain intact and tuition and mandatory fees shall be  
31 3 assessed for those courses. Any course for which arrangements  
31 4 cannot be made for grades or incompletes shall be considered  
31 5 dropped and the tuition and mandatory fees for the course  
31 6 refunded.

31 7 Sec. 66. Section 284.13, subsection 1, paragraph a, Code  
31 8 2003, is amended to read as follows:

31 9 a. For each fiscal year in the fiscal year period  
31 10 beginning July 1, ~~2001~~ 2003, and ending June 30, ~~2002~~ 2005,  
31 11 the department shall reserve up to ~~one million~~ five hundred  
31 12 thousand dollars of any moneys appropriated for purposes of  
31 13 this chapter. For each fiscal year in which moneys are  
31 14 appropriated by the general assembly for purposes of team=  
31 15 based variable pay pursuant to section 284.11, the amount of  
31 16 moneys allocated to school districts shall be in the  
31 17 proportion that the basic enrollment of a school district  
31 18 bears to the sum of the basic enrollments of all participating  
31 19 school districts for the budget year. However, the per pupil  
31 20 amount distributed to a school district under the pilot  
31 21 program shall not exceed one hundred dollars.

31 22 Sec. 67. Section 294A.25, subsections 6 and 10, Code 2003,  
31 23 are amended by striking the subsections.

31 24 Sec. 68. Section 294A.25, subsections 7, 8, and 9, Code  
31 25 2003, are amended to read as follows:

31 26 7. For Except as otherwise provided in this section, for  
31 27 the fiscal year beginning July 1, ~~1990~~ 2003, and succeeding  
31 28 fiscal years, the remainder of moneys appropriated in  
31 29 subsection 1 to the department of education shall be deposited  
31 30 in the educational excellence fund to be allocated in an  
31 31 amount to meet the ~~minimum salary~~ requirements of this chapter  
31 32 for phase I, ~~in an amount to meet the requirements for and~~  
31 33 ~~phase II, and the remainder of the appropriation for phase~~  
31 34 ~~III.~~

31 35 8. Commencing with the fiscal year beginning July 1, ~~1997~~  
32 1 2003, the amount of two hundred thirty thousand dollars for a  
32 2 kindergarten to grade twelve management information system  
32 3 ~~from additional funds transferred from phase I to phase III.~~

32 4 9. For the fiscal year beginning July 1, ~~2000~~ 2003, and  
32 5 for each succeeding fiscal year, the amount of one hundred  
32 6 seventy thousand dollars to the state board of regents for  
32 7 distribution in the amount of sixty-eight thousand dollars to  
32 8 the Iowa braille and sight saving school and in the amount of  
32 9 one hundred two thousand dollars to the Iowa state school for  
32 10 the deaf ~~from phase III moneys.~~

32 11 Sec. 69. Section 321J.2, subsection 2, paragraph a,  
32 12 subparagraph (3), subparagraph subdivisions (a) and (b), as  
32 13 enacted by 2003 Iowa Acts, House File 65, section 2, are  
32 14 amended to read as follows:

32 15 (a) A defendant whose alcohol concentration is .08 or more  
32 16 but not more than .10 shall not be eligible for any temporary  
32 17 restricted license for at least thirty days if a test was  
32 18 obtained and an accident resulting in personal injury or  
32 19 property damage occurred. The defendant shall be ordered to  
32 20 install an ignition interlock device of a type approved by the  
32 21 commissioner of public safety on all vehicles owned or  
32 22 operated by the defendant if the defendant seeks a temporary  
32 23 restricted license. There shall be no such period of

32 24 ineligibility if no such accident occurred, and the defendant  
32 25 shall not be ordered to install an ignition interlock device.

32 26 (b) A defendant whose alcohol concentration is more than  
32 27 .10 shall not be eligible for any temporary restricted license  
32 28 for at least thirty days if a test was obtained, and an  
32 29 accident resulting in personal injury or property damage  
32 30 occurred or the defendant's alcohol concentration exceeded  
32 31 .15. There shall be no such period of ineligibility if no  
32 32 such accident occurred and the defendant's alcohol  
32 33 concentration did not exceed .15. In either case, where a  
32 34 defendant's alcohol concentration is more than .10, the  
32 35 defendant shall be ordered to install an ignition interlock  
33 1 device of a type approved by the commissioner of public safety  
33 2 on all vehicles owned or operated by the defendant if the  
33 3 defendant seeks a temporary restricted license.

33 4 Sec. 70. Section 321J.4, subsection 1, paragraphs a and b,  
33 5 as enacted by 2003 Iowa Acts, House File 65, section 3, are  
33 6 amended to read as follows:

33 7 a. A defendant whose alcohol concentration is .08 or more  
33 8 but not more than .10 shall not be eligible for any temporary  
33 9 restricted license for at least thirty days if a test was  
33 10 obtained and an accident resulting in personal injury or  
33 11 property damage occurred. The defendant shall be ordered to  
33 12 install an ignition interlock device of a type approved by the  
33 13 commissioner of public safety on all vehicles owned or  
33 14 operated by the defendant if the defendant seeks a temporary

33 15 restricted license. There shall be no such period of  
33 16 ineligibility if no such accident occurred, and the defendant  
33 17 shall not be ordered to install an ignition interlock device.

33 18 b. A defendant whose alcohol concentration is more than  
33 19 .10 shall not be eligible for any temporary restricted license  
33 20 for at least thirty days if a test was obtained, and an  
33 21 accident resulting in personal injury or property damage  
33 22 occurred or the defendant's alcohol concentration exceeded  
33 23 .15. There shall be no such period of ineligibility if no  
33 24 such accident occurred and the defendant's alcohol  
33 25 concentration did not exceed .15. In either case, where a  
33 26 defendant's alcohol concentration is more than .10, the  
33 27 defendant shall be ordered to install an ignition interlock  
33 28 device of a type approved by the commissioner of public safety  
33 29 on all vehicles owned or operated by the defendant if the  
33 30 defendant seeks a temporary restricted license.

33 31 Sec. 71. Section 321J.4, subsection 3, paragraphs a and b,  
33 32 as enacted by 2003 Iowa Acts, House File 65, section 3, are  
33 33 amended to read as follows:

33 34 a. A defendant whose alcohol concentration is .08 or more  
33 35 but not more than .10 shall not be eligible for any temporary  
34 1 restricted license for at least thirty days if a test was  
34 2 obtained and an accident resulting in personal injury or  
34 3 property damage occurred. The defendant shall be ordered to  
34 4 install an ignition interlock device of a type approved by the  
34 5 commissioner of public safety on all vehicles owned or  
34 6 operated by the defendant if the defendant seeks a temporary

34 7 restricted license. There shall be no such period of  
34 8 ineligibility if no such accident occurred, and the defendant  
34 9 shall not be ordered to install an ignition interlock device.

34 10 b. A defendant whose alcohol concentration is more than  
34 11 .10 shall not be eligible for any temporary restricted license  
34 12 for at least thirty days if a test was obtained, and an  
34 13 accident resulting in personal injury or property damage  
34 14 occurred or the defendant's alcohol concentration exceeded  
34 15 .15. There shall be no such period of ineligibility if no  
34 16 such accident occurred and the defendant's alcohol  
34 17 concentration did not exceed .15. In either case, where a  
34 18 defendant's alcohol concentration is more than .10, the  
34 19 defendant shall be ordered to install an ignition interlock  
34 20 device of a type approved by the commissioner of public safety  
34 21 on all vehicles owned or operated by the defendant if the  
34 22 defendant seeks a temporary restricted license.

34 23 Sec. 72. Section 321J.12, subsection 2, paragraphs a and  
34 24 b, as enacted by 2003 Iowa Acts, House File 65, section 5, are  
34 25 amended to read as follows:

34 26 a. A person whose driver's license or nonresident  
34 27 operating privileges have been revoked under subsection 1,  
34 28 paragraph "a", whose alcohol concentration is .08 or more but  
34 29 not more than .10 shall not be eligible for any temporary  
34 30 restricted license for at least thirty days after the  
34 31 effective date of the revocation if a test was obtained and an  
34 32 accident resulting in personal injury or property damage  
34 33 occurred. The defendant shall be ordered to install an  
34 34 ignition interlock device of a type approved by the

34 35 commissioner of public safety on all vehicles owned or  
35 1 operated by the defendant if the defendant seeks a temporary  
35 2 license. There shall be no such period of ineligibility if no  
35 3 such accident occurred, and the defendant shall not be ordered  
35 4 to install an ignition interlock device.

35 5 b. A defendant whose alcohol concentration is more than  
35 6 .10 shall not be eligible for any temporary restricted license  
35 7 for at least thirty days if a test was obtained, and an  
35 8 accident resulting in personal injury or property damage  
35 9 occurred or the defendant's alcohol concentration exceeded  
35 10 .15. There shall be no such period of ineligibility if no  
35 11 such accident occurred and the defendant's alcohol  
35 12 concentration did not exceed .15. In either case, where a  
35 13 defendant's alcohol concentration is more than .10, the  
35 14 defendant shall be ordered to install an ignition interlock  
35 15 device of a type approved by the commissioner of public safety  
35 16 on all vehicles owned or operated by the defendant if the  
35 17 defendant seeks a temporary restricted license.

35 18 Sec. 73. Section 331.605C, subsection 4, if enacted by  
35 19 2003 Iowa Acts, Senate File 453, is amended to read as  
35 20 follows:

35 21 4. The ~~state local electronic~~ government ~~electronic~~  
35 22 transaction fund is established in the office of the treasurer  
35 23 of state under the control of the treasurer of state. Moneys  
35 24 deposited into the fund are not subject to section 8.33.  
35 25 Notwithstanding section 12C.7, interest or earnings on moneys  
35 26 in the ~~state local electronic~~ government ~~electronic~~  
35 27 transaction fund shall be credited to the fund. Moneys in the  
35 28 ~~state local electronic~~ government ~~electronic~~ transaction fund  
35 29 are not subject to transfer, appropriation, or reversion to  
35 30 any other fund, or any other use except as provided in this  
35 31 subsection. The treasurer of state shall enter into a  
35 32 contract with the Iowa state association of counties affiliate  
35 33 representing county recorders to develop, implement, and  
35 34 maintain a statewide internet website for purposes of  
35 35 providing electronic access to records and information  
36 1 recorded or filed by county recorders. On a monthly basis,  
36 2 the county treasurer shall pay one dollar of each fee  
36 3 collected pursuant to subsection 1 to the treasurer of state  
36 4 for deposit into the ~~state local electronic~~ government  
36 5 ~~electronic~~ transaction fund. Moneys credited to the ~~state~~  
36 6 ~~local electronic~~ government ~~electronic~~ transaction fund are  
36 7 appropriated to the treasurer of state to be used for contract  
36 8 costs. This subsection is repealed June 30, 2004.

36 9 Sec. 74. Section 422.45, Code 2003, is amended by adding  
36 10 the following new subsection:

36 11 NEW SUBSECTION. 64. The gross receipts from noncustomer  
36 12 point of sale or noncustomer automated teller machine access  
36 13 or service charges assessed by a financial institution. For  
36 14 purposes of this subsection, "financial institution" means the  
36 15 same as defined in section 527.2.

36 16 Sec. 75. Section 435.26A, subsections 2 and 5, as enacted  
36 17 by 2003 Iowa Acts, Senate File 134, section 7, are amended to  
36 18 read as follows:

36 19 2. Upon receipt of a certificate of title from a  
36 20 manufactured home owner, a county treasurer shall notify the  
36 21 department of transportation that the certificate of title has  
36 22 been surrendered, remove the registration of title from the  
36 23 county treasurer's records, and destroy the certificate of  
36 24 title.

36 25 The manufactured home owner or the owner's representative  
36 26 shall provide to the county recorder the identifying data of  
36 27 the manufactured home, including the owner's name, the name of  
36 28 the manufacturer, the model name, the year of manufacture, and  
36 29 the serial number of the home, along with the legal  
36 30 description of the real estate on which the manufactured home  
36 31 is located. In addition, evidence shall be provided of the  
36 32 surrender of the certificate of title. After the surrender of  
36 33 the certificate of title of a manufactured home under this  
36 34 section, conveyance of an interest in the manufactured home  
36 35 shall not require transfer of title so long as the  
37 1 manufactured home remains on the same real estate site.

37 2 5. An owner of a manufactured home who has surrendered a  
37 3 certificate of title under this section and requires another  
37 4 certificate of title for the manufactured home is required to  
37 5 apply for a bonded certificate of title under chapter 321. If  
37 6 supporting documents for the reissuance of a title are not  
37 7 available or sufficient, the procedure for the reissuance of a  
37 8 title specified in the rules of the department of  
37 9 transportation shall be used.

37 10 Sec. 76. Section 453A.2, Code 2003, is amended by adding

37 11 the following new subsection:

37 12 NEW SUBSECTION. 5B. A tobacco compliance employee  
37 13 training fund is created in the office of the treasurer of  
37 14 state. The fund shall consist of civil penalties assessed by  
37 15 the Iowa department of public health under section 453A.22,  
37 16 for violations of this section. Moneys in the fund are  
37 17 appropriated to the alcoholic beverages division of the  
37 18 department of commerce and shall be used to develop and  
37 19 administer the tobacco compliance employee training program  
37 20 under section 453A.2A. Moneys deposited in the fund shall not  
37 21 be transferred, used, obligated, appropriated, or otherwise  
37 22 encumbered except as provided in this subsection.

37 23 Sec. 77. Section 453C.1, subsection 10, Code 2003, is  
37 24 amended to read as follows:

37 25 10. "Units sold" means the number of individual cigarettes  
37 26 sold in the state by the applicable tobacco product  
37 27 manufacturer, whether directly or through a distributor,  
37 28 retailer, or similar intermediary or intermediaries, during  
37 29 the year in question, as measured by excise taxes collected by  
37 30 the state on packs or roll-your-own tobacco containers ~~bearing~~  
~~37 31 the excise tax stamp of the state.~~ The department of revenue  
37 32 and finance shall adopt rules as are necessary to ascertain  
37 33 the amount of state excise tax paid on the cigarettes of such  
37 34 tobacco product manufacturer for each year.

37 35 Sec. 78. Section 453C.2, subsection 2, paragraph b,  
38 1 subparagraph (2), Code 2003, is amended to read as follows:

38 2 (2) To the extent that a tobacco product manufacturer  
38 3 establishes that the amount the manufacturer was required to  
38 4 place into escrow on account of units sold in the state in a  
38 5 particular year was greater than the state's allocable share  
~~38 6 of the total payments that such manufacturer would have been~~  
~~38 7 required to make in that year under the master settlement~~  
~~38 8 agreement the master settlement agreement payments, as~~  
~~38 9 determined pursuant to section IX(i) of that agreement~~  
38 10 including after final determination of all adjustments, that  
38 11 such manufacturer would have been required to make on account  
38 12 of such units sold had such manufacturer been a participating  
38 13 manufacturer, as such payments are determined pursuant to  
~~38 14 section IX(i)(2) of the master settlement agreement and before~~  
~~38 15 any of the adjustments or offsets described in section~~  
~~38 16 IX(i)(3) of that agreement other than the inflation~~  
~~38 17 adjustment,~~ the excess shall be released from escrow and  
38 18 revert back to such tobacco product manufacturer.

38 19 Sec. 79. Section 455D.9, Code 2003, is amended by adding  
38 20 the following new subsection:

38 21 NEW SUBSECTION. 1A. Yard waste may be accepted by a  
38 22 sanitary landfill for land disposal if the sanitary landfill  
38 23 operates an active methane collection system for the purpose  
38 24 of producing electricity. For purposes of calculating the  
38 25 waste stream and determining the attainment of the waste  
38 26 stream reductions under section 455D.3 for a year in which  
38 27 yard waste has been accepted for land disposal pursuant to  
38 28 this subsection, the planning area shall estimate the amount  
38 29 of tonnage attributable to yard waste and the estimated amount  
38 30 shall be subtracted from the tonnage accepted by the planning  
38 31 area during that year.

38 32 Sec. 80. Section 476.33, Code 2003, is amended by adding  
38 33 the following new subsection:

38 34 NEW SUBSECTION. 5. a. The board shall adopt rules that  
38 35 require the board, in a rate regulatory proceeding under  
39 1 sections 476.3 and 476.6, to consider both of the following  
39 2 for inclusion in rates:

39 3 (1) Capital infrastructure investments that will not  
39 4 produce significant additional revenues and will be in service  
39 5 in Iowa within nine months after the conclusion of the test  
39 6 year.

39 7 (2) Cost of capital changes that will occur within nine  
39 8 months after the conclusion of the test year that are  
39 9 associated with a new generating plant that has been the  
39 10 subject of a ratemaking principles proceeding pursuant to  
39 11 section 476.53.

39 12 b. This subsection is repealed effective July 1, 2007.  
39 13 However, any utilities board proceeding that is pending on  
39 14 July 1, 2007, that is being conducted pursuant to section  
39 15 476.3 or 476.6 shall be completed as if this section had not  
39 16 been repealed. Upon repeal, the board may still consider the  
39 17 adjustments addressed in this subsection, but shall not be  
39 18 required to consider them.

39 19 Sec. 81. 2003 Iowa Acts, Senate File 453, section 49,  
39 20 subsection 1, unnumbered paragraph 1, if enacted, is amended  
39 21 to read as follows:

39 22 The department of human services shall establish a work  
39 23 group in cooperation with representatives of the insurance  
39 24 industry and members of the medical assistance advisory  
39 25 council to develop a plan for the redesign of the medical  
39 26 assistance program. In developing the redesign plan, the work  
39 27 group shall consider all of the following:

39 28 Sec. 82. Sections 266.8, 266.24, 266.25, and 266.26, Code  
39 29 2003, are repealed.

39 30 Sec. 83. REPORT ON FEDERAL ELECTION LAW IMPLEMENTATION.  
39 31 The state committee, if formed, shall develop a plan for  
39 32 compliance with the federal Help America Vote Act, Pub. L. No.  
39 33 107=252, and the state committee, in conjunction with the  
39 34 state commissioner of elections, shall provide quarterly  
39 35 updates to the Senate and House of Representatives standing  
40 1 committees on government oversight on the status of the  
40 2 implementation of Pub. L. No. 107=252.

40 3 Sec. 84. SALE OF DEPARTMENT OF CORRECTIONS' REAL PROPERTY.

40 4 1. Immediately after the effective date of this section,  
40 5 the department of corrections shall develop a plan to sell, at  
40 6 market value, the twenty-acre tract of undeveloped land  
40 7 adjacent to the Iowa correctional institution for women to any  
40 8 municipality with a population of less than twenty thousand  
40 9 persons. The plan shall include the sale of the tract of land  
40 10 within a commercially reasonable time. The sale shall be  
40 11 negotiated by the department and shall be handled in a manner  
40 12 that is financially beneficial to the department. The  
40 13 department shall as a condition of the sale to the  
40 14 municipality require that the land not be sold by the  
40 15 municipality for a period of ninety-nine years unless the land  
40 16 is resold back to the state. Appraisals conducted by the  
40 17 department of the value of the land shall be made available to  
40 18 the public immediately following the sale of the tract of  
40 19 land. If the department is unable to negotiate a financially  
40 20 beneficial sale, the tract of land shall not be sold, and the  
40 21 department shall provide the legislative fiscal bureau with  
40 22 the reasons the sale did not occur.

40 23 2. The proceeds from the sale of the property as provided  
40 24 in subsection 1 shall be retained by the department of  
40 25 corrections to be used for correctional facilities. The costs  
40 26 incident to the sale of the tract of land including, but not  
40 27 limited to, appraisals, invitations for offers, abstracts, and  
40 28 other necessary costs, may be paid from the proceeds of the  
40 29 sale or from moneys appropriated for support and maintenance  
40 30 to the institution at which the real estate is located.

40 31 3. The provisions of section 904.317 shall not apply to  
40 32 the sale of the tract of land sold in accordance with this  
40 33 section.

40 34 Sec. 85. SALES AND USE TAX REFUND.

40 35 1. Notwithstanding the one-year application period  
41 1 provided for in section 422.45, subsection 7, paragraph "b",  
41 2 an application by a city with a population between 550 and 625  
41 3 located entirely in a county with a population between 39,750  
41 4 and 41,750 for a refund of sales, services, or use tax paid  
41 5 upon any goods, wares, or merchandise, or services rendered,  
41 6 furnished, or performed and used in the performance of  
41 7 contracts involving a street construction project and a sewer  
41 8 project is considered timely filed under section 422.45,  
41 9 subsection 7, if the application for refund is filed with the  
41 10 department of revenue and finance on or before August 1, 2003.

41 11 2. Notwithstanding the amount applied for under subsection  
41 12 1, the amount of a refund paid under this section shall not  
41 13 exceed \$15,000.

41 14 Sec. 86. SCHOOL DISTRICT REIMBURSEMENT CLAIM.

41 15 1. Any school district located in a county with a  
41 16 population between 11,550 and 12,000 is authorized to refile a  
41 17 claim for state reimbursement of the costs of providing  
41 18 vocational education programs at the secondary level in its  
41 19 district notwithstanding the denial of its previously filed  
41 20 claim with the state appeal board if the claim is filed by  
41 21 October 1, 2003. Such claim shall be considered timely filed  
41 22 notwithstanding any provision of law.

41 23 2. If the claim filed pursuant to subsection 1 is a valid  
41 24 claim for state reimbursement, the claim shall be paid subject  
41 25 to the following:

41 26 a. The amount of costs reimbursed shall not exceed 6.5  
41 27 percent.

41 28 b. Any amount reimbursed pursuant to any previously filed  
41 29 claim relating to the same costs shall not be included.

41 30 c. The total amount reimbursed under this section shall  
41 31 not exceed \$6,000.

41 32 Sec. 87. COORDINATION OF PUBLIC TRANSPORTATION STUDY. The

41 33 state department of transportation shall conduct a study and  
41 34 prepare a report pertaining to administrative efficiencies  
41 35 that may be gained by the coordination of transit management  
42 1 and maintenance systems in the areas of school transportation,  
42 2 public transit, and other forms of public transportation. The  
42 3 report shall be provided to the general assembly by December  
42 4 31, 2003.

42 5 Sec. 88. SUPPLEMENTAL PAYMENT ADJUSTMENTS FOR PHYSICIAN  
42 6 SERVICES. To the extent that, pursuant to law enacted by the  
42 7 Eightieth General Assembly, 2003 Session, supplemental payment  
42 8 adjustments are implemented for physician services provided to  
42 9 medical assistance program participants at publicly owned  
42 10 acute care hospitals, the department of human services shall  
42 11 not, directly or indirectly, recoup the supplemental payment  
42 12 adjustments for any reason, unless an amount equivalent to the  
42 13 amount of adjustment funds that were transferred to the  
42 14 department by the state university of Iowa college of medicine  
42 15 is transferred by the department to the qualifying physicians.

42 16 Sec. 89. UTILITIES BOARD REVIEW. The utilities board  
42 17 shall initiate and coordinate a review of current ratemaking  
42 18 procedures to determine whether different procedures would be  
42 19 cost-effective and would result in rates that more accurately  
42 20 reflect a utility's cost of providing service to its customers  
42 21 in Iowa. The board shall allow the consumer advocate division  
42 22 of the department of justice, the rate-regulated utilities,  
42 23 and other interested persons to participate in its review.  
42 24 The board shall report the results of its review to the  
42 25 general assembly, with recommendations as appropriate, on or  
42 26 before January 5, 2004.

42 27 Sec. 90. SEVERABILITY.

42 28 1. If this entire Act or any portion of section 453C.2,  
42 29 subsection 2, paragraph "b", subparagraph (2), as amended in  
42 30 this Act, is held by a court of competent jurisdiction to be  
42 31 unconstitutional, section 453C.2, subsection 2, paragraph "b",  
42 32 subparagraph (2), is repealed in its entirety.

42 33 2. If section 453C.2, subsection 2, paragraph "b",  
42 34 subparagraph (2), is repealed pursuant to subsection 1 and a  
42 35 court of competent jurisdiction subsequently finds that  
43 1 section 453C.2, subsection 2, paragraph "b", is  
43 2 unconstitutional due to such repeal, section 453C.2,  
43 3 subsection 2, paragraph "b", subparagraph (2), Code 2003,  
43 4 shall be restored.

43 5 3. Any holding of unconstitutionality or any repeal of  
43 6 section 453C.2, subsection 2, paragraph "b", subparagraph (2),  
43 7 as amended in this Act, or of section 453C.2, subsection 2,  
43 8 paragraph "b", subparagraph (2), Code 2003, shall not affect,  
43 9 impair, or invalidate any other portion of section 453C.2 or  
43 10 the application of that section to any other person or  
43 11 circumstance, and the remaining portions of section 453C.2,  
43 12 shall continue in full force and effect.

43 13 Sec. 91. FEDERAL HOUSING MONEYS. Any federal moneys  
43 14 received by the department of economic development for the  
43 15 community development block grant program that are allocated  
43 16 for housing and any federal moneys received for the HOME  
43 17 investment partnership program shall be coordinated with  
43 18 projects within the housing trust fund established in section  
43 19 16.181, if enacted.

43 20 Sec. 92. CODE EDITOR DIRECTIVE. The Code editor shall  
43 21 change the name of the department of public defense, emergency  
43 22 management division, to the department of public defense,  
43 23 homeland security and emergency management division, in  
43 24 chapter 29C and elsewhere throughout the Code, including  
43 25 references to the division made in law enacted by the  
43 26 Eightieth General Assembly, 2003 Regular Session and other  
43 27 enactments.

43 28 Sec. 93. EFFECTIVE DATES. The following provisions of  
43 29 this division of this Act, being deemed of immediate  
43 30 importance, take effect upon enactment:

43 31 1. The amendment to section 12E.12.

43 32 2. The amendment to section 15E.193B.

43 33 3. The amendment to section 435.26A.

43 34 4. The amendment to section 453A.2, which shall only take  
43 35 effect if 2003 Iowa Acts, Senate File 401, is enacted by the  
44 1 Eightieth General Assembly, 2003 Regular Session.

44 2 5. The amendments to sections 453C.1 and 453C.2 and the  
44 3 related severability provision.

44 4 6. The section directing the department of corrections to  
44 5 develop a plan for selling certain land.

44 6 7. The section relating to the sales and use tax refund.

44 7 8. The section relating to the school district

44 8 reimbursement claim.

44 9 Section 29C.8, subsection 3, paragraph "f", as enacted in  
44 10 this division of this Act, and the amendment to section  
44 11 29C.20, subsection 1, as enacted in this division of this Act,  
44 12 take effect July 1, 2004.

44 13 DIVISION VIII

44 14 MEDICAL ASSISTANCE PROGRAM

44 15 Sec. 94. Section 135C.31A, if enacted by 2003 Iowa Acts,  
44 16 House File 619, section 2, is amended to read as follows:  
44 17 135C.31A ASSESSMENT OF RESIDENTS == PROGRAM ELIGIBILITY.  
44 18 Beginning July 1, 2003, a health care facility receiving  
44 19 reimbursement through the medical assistance program under  
44 20 chapter 249A shall assist the Iowa commission of veterans  
44 21 affairs in ~~determining, prior to the initial identifying, upon~~  
44 22 admission of a resident, the ~~prospective~~ resident's  
44 23 eligibility for benefits through the federal department of  
44 24 veterans affairs. The health care facility shall also assist  
44 25 the Iowa commission of veterans affairs in determining such  
44 26 eligibility for residents residing in the facility on July 1,  
44 27 2003. The department of inspections and appeals, in  
44 28 cooperation with the department of human services, shall adopt  
44 29 rules to administer this section, including a provision that  
44 30 ensures that if a resident is eligible for benefits through  
44 31 the federal department of veterans affairs or other third=  
44 32 party payor, the payor of last resort for reimbursement to the  
44 33 health care facility is the medical assistance program. This  
44 34 section shall not apply to the admission of an individual to a  
44 35 state mental health institute for acute psychiatric care.

45 1 Sec. 95. Section 249A.20A, if enacted by 2003 Iowa Acts,  
45 2 House File 619, section 3, is amended by adding the following  
45 3 new subsection:

45 4 NEW SUBSECTION. 5A. The department shall adopt rules to  
45 5 provide a procedure under which the department and the  
45 6 pharmaceutical and therapeutics committee may disclose  
45 7 information relating to the prices manufacturers or  
45 8 wholesalers charge for pharmaceuticals. The procedures  
45 9 established shall comply with 42 U.S.C. } 1396r=8 and with  
45 10 chapter 550.

45 11 Sec. 96. Section 249A.20B, if enacted by 2003 Iowa Acts,  
45 12 House File 619, section 4, is amended by adding the following  
45 13 new subsection:

45 14 NEW SUBSECTION. 5A. The department of human services  
45 15 shall provide a reimbursement to nursing facilities under this  
45 16 section. The reimbursement amount shall be calculated as a  
45 17 per patient day amount and shall be paid to nursing facilities  
45 18 in addition to the reimbursement payment specified in 2001  
45 19 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
45 20 "c".

45 21 Sec. 97. 2003 Iowa Acts, House File 619, section 5, if  
45 22 enacted, is amended by striking the section and inserting in  
45 23 lieu thereof the following:

45 24 SEC. 5. CASE MANAGEMENT PROGRAM FOR FRAIL ELDERS.

45 25 1. The general assembly finds that the existing case  
45 26 management program for frail elders administered by the  
45 27 department of elder affairs is an important component of the  
45 28 long-term care system in this state. The program emphasizes  
45 29 the independence and dignity of the individual while providing  
45 30 services in a cost-effective manner.

45 31 2. The purposes of the case management program for frail  
45 32 elders include all of the following:

45 33 a. To provide planning, policy development, coordination,  
45 34 and administrative oversight.

45 35 b. To provide assistance in the form of assessment and  
46 1 care coordination under circumstances in which an elder or the  
46 2 elder's caregiver is experiencing diminished functional  
46 3 capacity or other conditions that require the provision of  
46 4 services by professional service providers.

46 5 c. To maintain a system that focuses on the delivery of  
46 6 home and community-based services that emphasize individual  
46 7 independence, individual needs and desires, and consumer=  
46 8 driven quality of services.

46 9 3. It is the intent of the general assembly that the  
46 10 department of elder affairs in collaboration with the  
46 11 department of human services, area agencies on aging, advocacy  
46 12 groups, industry representatives, and consumers submit  
46 13 recommendations to the general assembly by October 1, 2003,  
46 14 regarding the redesigning of the case management program for  
46 15 the frail elderly including preadmission screening  
46 16 methodologies, level of care determinations and ongoing  
46 17 methodologies for the coordination, provision, and delivery of  
46 18 home and community-based services.

46 19 4. It is also the intent of the general assembly that the

46 20 department of elder affairs and the department of human  
46 21 services coordinate efforts to resolve issues relating to  
46 22 level of care determinations no later than October 1, 2003.  
46 23 Sec. 98. 2003 Iowa Acts, House File 619, section 9, if  
46 24 enacted, is amended to read as follows:  
46 25 SEC. 9. NURSING FACILITY REIMBURSEMENT. Notwithstanding  
46 26 2001 Iowa Acts, chapter 192, section 4, subsection 2,  
46 27 paragraph "c", and subsection 3, paragraph "a", subparagraph  
46 28 (2), if projected state fund expenditures for reimbursement of  
46 29 nursing facilities for the fiscal year beginning July 1, 2003,  
46 30 in accordance with the reimbursement rate specified in 2001  
46 31 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
46 32 "c", ~~exceeds exceed~~ \$147,252,856, the department shall adjust  
46 33 the inflation factor of the reimbursement rate calculation to  
46 34 provide reimbursement within the amount projected specified in  
46 35 this section. The department, in consultation with nursing

47 1 facility representatives, shall review the projections on a  
47 2 quarterly basis to determine if an interim adjustment is  
47 3 necessary in order to provide reimbursement within the amount  
47 4 specified in this section. In reviewing the projections, the  
47 5 department shall consider the savings from the reduction in  
47 6 bed hold payments, elimination of crossover claims, and  
47 7 increases in Medicare part A utilization.

47 8 Sec. 99. 2003 Iowa Acts, House File 619, section 12,  
47 9 subsections 2 and 3, if enacted, are amended to read as  
47 10 follows:  
47 11 2. The department of human services, in cooperation with  
47 12 the department's fiscal agent and in consultation with a  
47 13 chronic care ~~management resource group~~ consortium, shall  
47 14 profile medical assistance recipients within a select number  
47 15 of disease diagnosis categories. The assessment shall focus  
47 16 on those diagnosis areas that present the greatest opportunity  
47 17 for impact to improved care and cost reduction.

47 18 3. The department of human services, in consultation with  
47 19 a chronic care ~~management resource group~~ consortium, shall  
47 20 conduct a chronic disease management pilot project for a  
47 21 select number of individuals who are participants in the  
47 22 medical assistance program. The project shall focus on a  
47 23 select number of chronic diseases which may include congestive  
47 24 heart failure, diabetes, and asthma. The initial pilot  
47 25 project shall be implemented by October 1, 2003.

47 26 Sec. 100. 2003 Iowa Acts, House File 619, section 12,  
47 27 subsection 4, if enacted, is amended by striking the  
47 28 subsection and inserting in lieu thereof the following:

47 29 4. The department of human services may procure a sole  
47 30 source contract with a vendor to manage individuals with  
47 31 select chronic diseases following the conclusion of the  
47 32 profiling of medical assistance recipients. The management of  
47 33 chronic diseases for individuals under this subsection may be  
47 34 coordinated with the pilot project established in subsection  
47 35 3.

48 1 Sec. 101. 2002 Iowa Acts, Second Extraordinary Session,  
48 2 chapter 1003, section 110, is amended by adding the following  
48 3 new paragraph:  
48 4 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, up  
48 5 to \$2,400,000 of the funds appropriated in this section that  
48 6 remain unencumbered or unobligated at the close of the fiscal  
48 7 year shall not revert but shall remain available in the  
48 8 succeeding fiscal year to be used for additional field  
48 9 operations, full-time equivalent positions and general  
48 10 administration. Four hundred thousand dollars of this amount  
48 11 shall be used for eight full-time equivalent positions to  
48 12 provide a case manager in each of the judicial districts to  
48 13 provide coordination of services for families that have a  
48 14 history of methamphetamine abuse and \$400,000 of this amount  
48 15 shall be used for general administration.

48 16 Sec. 102. VETERANS == DIRECTIVE. The commission of  
48 17 veterans affairs shall work with the commandant of the Iowa  
48 18 veterans home, the department of human services, and the  
48 19 department of inspections and appeals to identify the  
48 20 residents of health care facilities who may be eligible for  
48 21 benefits through the federal department of veterans affairs  
48 22 pursuant to section 135C.31A, if enacted by 2003 Iowa Acts,  
48 23 House File 619.

48 24 Sec. 103. The section of this division of this Act  
48 25 amending 2002 Iowa Acts, Second Extraordinary Session, chapter  
48 26 1003, section 110, relating to certain federal temporary  
48 27 assistance for needy families block grant funding, takes  
48 28 effect upon enactment.

48 29 EXPLANATION  
48 30 This bill relates to public expenditure and regulatory

48 31 matters.

48 32 MH/MR/DD ALLOWABLE GROWTH == This division appropriates  
48 33 funding for county mental health, mental retardation, and  
48 34 developmental disabilities services allowed growth for fiscal  
48 35 year 2004=2005.

49 1 STANDING APPROPRIATIONS == REDUCTIONS == This division  
49 2 applies reductions to standing appropriations for the general  
49 3 assembly, at-risk children programs, public transit  
49 4 assistance, and educational excellence program.  
49 5 The division includes an appropriation from the cash  
49 6 reserve fund to the rebuild Iowa infrastructure fund and law  
49 7 is made inapplicable that would otherwise require that the  
49 8 reason for the appropriation be stated, that the appropriation  
49 9 be the only subject of the bill, and that the bill receive a  
49 10 supermajority vote if the appropriation caused the fund  
49 11 balance to drop below a certain level. This appropriation  
49 12 takes effect upon enactment. In addition, the division  
49 13 reduces a standing appropriation from the rebuild Iowa  
49 14 infrastructure fund to the environment first fund for fiscal  
49 15 year 2002=2003, and this reduction takes effect upon  
49 16 enactment.

49 17 STANDING APPROPRIATIONS == LIMITATIONS == This division  
49 18 applies limitations to standing appropriations for  
49 19 compensation of military personnel, nonpublic school  
49 20 transportation, printing of cigarette tax stamps, state share  
49 21 of peace officers' retirement benefits, livestock production  
49 22 credit refunds, reimbursement of homestead property tax  
49 23 credits, reimbursement of agricultural land and family farm  
49 24 tax credits, military service tax credits, state unemployment  
49 25 compensation expenses, interest costs under the federal Cash  
49 26 Management and Improvement Act, the state's deferred  
49 27 compensation program, and elderly and disabled credits.

49 28 REVENUE ADJUSTMENTS == APPROPRIATIONS == This division  
49 29 provides revenue adjustments and appropriations. The division  
49 30 provides for FY 2003=2004 that the interest and earnings from  
49 31 the Iowa economic emergency fund and the cash reserve fund  
49 32 will be credited to the general fund of the state instead of  
49 33 the rebuild Iowa infrastructure fund as provided in Code  
49 34 sections 8.55 and 8.56. For FY 2003=2004, the unexpended  
49 35 balances of state general fund operational appropriations will  
50 1 revert to the state general fund instead of remaining with  
50 2 agencies for use for training and technology purposes as  
50 3 provided in Code section 8.62.

50 4 Moneys collected from the income tax checkoff for the keep  
50 5 Iowa beautiful fund in FY 2002=2003 and 2003=2004 are  
50 6 appropriated to the state department of transportation for the  
50 7 purposes provided in Code section 314.28 of education for  
50 8 litter prevention, improving waste management and recycling  
50 9 efforts, and beautification projects.

50 10 Of the \$70 million in gambling revenues that the law  
50 11 provides will be deposited in the endowment for Iowa's health  
50 12 account of the tobacco settlement trust fund, the division  
50 13 provides that \$20 million will instead be deposited in the  
50 14 general fund of the state.

50 15 The division provides an appropriation to the Iowa  
50 16 department of economic development for assistance to a city or  
50 17 organization hosting the national junior olympics.

50 18 Code section 8.55, relating to the Iowa economic emergency  
50 19 fund, includes provisions making transfers when the fund has  
50 20 reached its maximum balance. The standing limited transfer to  
50 21 the senior living trust fund is increased to \$118 million.

50 22 The division delays by one year the effective date of a  
50 23 change in the maximum balances of the cash reserve and Iowa  
50 24 economic emergency funds. Current law provides that effective  
50 25 July 1, 2003, the maximum balances of the two reserve funds  
50 26 will change from each at 5 percent of the adjusted revenue  
50 27 estimate to the cash reserve at 7.5 percent and the Iowa  
50 28 economic emergency fund at 2.5 percent. The bill delays this  
50 29 change until July 1, 2004.

50 30 For fiscal year 2003=2004 the maximum amount of job credits  
50 31 for the accelerated career education program under Code  
50 32 section 260G.4B is decreased from \$6 million to \$4 million.

50 33 The division eliminates a standing appropriation from the  
50 34 general fund to the endowment for Iowa's health account for  
50 35 fiscal year 2003=2004.

51 1 The fiscal year 2002=2003 appropriation to the state racing  
51 2 and gaming commission for purposes of racetrack regulation is  
51 3 increased.

51 4 COMPENSATION AND BENEFITS == This division relates to  
51 5 compensation and benefits paid to state employees. The  
51 6 division appropriates moneys for the fiscal year beginning

51 7 July 1, 2003, to fund salary adjustments for certain contract  
51 8 and noncontract employees.

51 9 The state board of regents is specifically allocated  
51 10 appropriations to fund increases to employees at the state  
51 11 school for the deaf and the Iowa braille and sight saving  
51 12 school and is to use other sources to fund other employee  
51 13 increases.

51 14 The division also provides supplemental authorization to  
51 15 fund salaries from trust, revolving, and special funds for  
51 16 which the general assembly has established a budget.

51 17 State trooper meal allowances are provided for and a salary  
51 18 model coordinator is funded to maintain the state's salary  
51 19 model in conjunction with the legislative fiscal bureau.

51 20 CORRECTIVE PROVISIONS == This division provides corrective  
51 21 amendments to legislation passed in the Eightieth General  
51 22 Assembly, 2003 Regular Session.

51 23 Code section 8A.202, if enacted in House File 534, which  
51 24 relates to information technology services to be provided by  
51 25 the newly created department of administrative services, is  
51 26 amended to incorporate language dealing with electronic agency  
51 27 reports which conforms to the new Code chapter on state  
51 28 archives and records enacted in House File 648. A redundant  
51 29 section of House File 648, which amends a Code chapter  
51 30 repealed in House File 534, is repealed.

51 31 Code section 99E.9, as amended in 2003 Iowa Acts, House  
51 32 File 171, is amended to correctly refer to national criminal  
51 33 history checks, to conform to other references to those checks  
51 34 in House File 171.

51 35 Code sections 135.150 and 135.154, enacted in House File  
52 1 396, are amended to correct the name of the director of public  
52 2 health and to specify the division of a Code chapter rather  
52 3 than the division of a state agency.

52 4 New section 170.6(1), if enacted by House File 624, is  
52 5 amended to provide that failure of a landowner to notify or  
52 6 provide access to the department of agriculture and land  
52 7 stewardship before first releasing whitetail deer on the land  
52 8 is cause for suspension or revocation of certificate to keep  
52 9 whitetail deer as farm deer. House File 624 in another  
52 10 section requires notification and access to be given to the  
52 11 department.

52 12 Amendments to Code sections 232.71B, 235B.3, and 692A.13,  
52 13 if enacted by 2003 Iowa Acts, House File 558, are amended to  
52 14 insert the word "adult" in order to correct references to the  
52 15 dependent adult abuse registry.

52 16 Code section 304B.3, if enacted in House File 648, which  
52 17 relates to the membership of the state records commission, is  
52 18 amended to conform to the changes made in House File 534 with  
52 19 respect to the directors of the newly created department of  
52 20 administrative services and other state agencies.

52 21 Code section 356.7(1), as amended by 2003 Iowa Acts, House  
52 22 File 650, is amended to correct a grammatical error.

52 23 Code section 459.401(2)(a)(3A), if enacted by House File  
52 24 644, is amended to correct an internal reference to another  
52 25 Code section.

52 26 Code section 505A.1, as enacted in 2003 Iowa Acts, House  
52 27 File 647, is amended to insert a missing preposition before an  
52 28 internal reference.

52 29 Code section 508.31A, as amended in 2003 Iowa Acts, House  
52 30 File 647, is amended to correct an internal reference to  
52 31 another paragraph of the Code section.

52 32 Code section 901.5, as amended by 2003 Iowa Acts, House  
52 33 File 404, and relating to the scheduling of a contempt  
52 34 proceeding for violation of a no-contact order in a criminal  
52 35 case, is amended to make a reference to five days consistent  
53 1 with another provision in the same legislation.

53 2 A corrective section of Senate File 155, the substantive  
53 3 Code editor's bill, which amends Code section 49.71 relating  
53 4 to the discontinuance of instructional cards for voters, is  
53 5 repealed if 2003 Iowa Acts, House File 614, which more  
53 6 thoroughly amends and updates Code section 49.71, is enacted.

53 7 2003 Iowa Acts, Senate File 155, one of the Code editor's  
53 8 bills, is amended to repeal section 56 of that bill which  
53 9 contains a corrective reference in Code section 237A.29 to a  
53 10 child care provider suspension sanction. The repeal is in  
53 11 favor of an amendment to the same Code section by 2003 Iowa  
53 12 Acts, Senate File 351, which substantively rewrites the child  
53 13 care provider sanctions in that Code section.

53 14 The amendment to Code section 56.5 in 2003 Iowa Acts, House  
53 15 File 601, is corrected by specifying that only paragraph "d"  
53 16 of subsection 2 is stricken.

53 17 House File 624, section 22, if enacted, is corrected to

53 18 clarify that it is the fence which encloses farm deer on the  
53 19 effective date of House File 624 that is deemed to comply with  
53 20 the construction requirements of the bill.

53 21 MISCELLANEOUS PROVISIONS == This division provides  
53 22 miscellaneous provisions.

53 23 The division amends Code sections 12B.10 and 12B.10A,  
53 24 relating to public funds investment standards and public funds  
53 25 investment maturity and procedural limitations, to provide  
53 26 that the short-term investments of the state board and  
53 27 institutions under the control of the state board of regents  
53 28 cannot have an effective maturity in excess of 63 months.

53 29 The division amends Code section 12E.12(8) to allow the  
53 30 issuing agency of refunding bonds for tobacco settlement  
53 31 authority bonds, which cannot be used for such refunding, to  
53 32 be used for capital infrastructure improvements at the issuing  
53 33 agency. This provision takes effect upon enactment.

53 34 Code section 15E.193B(4) is amended to allow the department  
53 35 of economic development to extend the two-year completion  
54 1 period for tax credits for housing projects in enterprise  
54 2 zones if completion of the project is impossible because of  
54 3 substantial loss due to a catastrophe. "Substantial loss"  
54 4 means at least 30 percent of the project's eligible basis.  
54 5 This amendment takes effect upon enactment.

54 6 The division creates a new Code section 16.181 that  
54 7 establishes a housing trust fund to be administered by the  
54 8 Iowa finance authority. The fund shall be used for the  
54 9 development and preservation of affordable housing for low=  
54 10 income people in the state. The new Code section provides  
54 11 that assets in the housing trust fund shall consist of all of  
54 12 the following:

54 13 1. Any assets received by the authority from the Iowa  
54 14 housing corporation.

54 15 2. Any moneys transferred by the authority for deposit in  
54 16 the housing trust fund.

54 17 3. Any other moneys appropriated by the general assembly  
54 18 and any other moneys available to and obtained or accepted by  
54 19 the authority for placement in the housing trust fund.

54 20 The new Code section also creates a local housing trust  
54 21 fund program and a project-based housing program within the  
54 22 housing trust fund.

54 23 The new Code section provides that 60 percent of the assets  
54 24 in the housing trust fund shall be allocated to the local  
54 25 housing trust fund program and 40 percent of the assets are  
54 26 allocated to the project-based housing program. Any assets  
54 27 remaining in the local housing trust fund program on April 1  
54 28 of each fiscal year which have not been awarded to a local  
54 29 housing trust fund may be transferred to the project-based  
54 30 housing program at any time prior to the end of the fiscal  
54 31 year.

54 32 The division amends Code section 25.1 to provide that the  
54 33 state appeal board shall no longer consider claims for vehicle  
54 34 registration fee refunds. Such refunds are obtained by  
54 35 application to the state department of transportation in  
55 1 certain circumstances when a vehicle is sold, transferred, or  
55 2 junked.

55 3 Code section 28.9, relating to the school ready children  
55 4 grants account of the Iowa empowerment fund, is amended to  
55 5 require the distribution formula used for the grants to  
55 6 incorporate certain performance components.

55 7 The division amends Code section 29C.8 by requiring the  
55 8 administrator of the emergency management division of the  
55 9 department of public defense, effective July 1, 2004, to  
55 10 approve and support the development and ongoing operations of  
55 11 an urban search and rescue team within the state. Members of  
55 12 the team when acting under the direction of the administrator  
55 13 or pursuant to a governor's disaster proclamation are  
55 14 considered employees of the state and shall be compensated for  
55 15 disability, workers' compensation, and death benefits as  
55 16 appropriate. The administrator of the emergency management  
55 17 division of the department of public defense must also  
55 18 develop, implement, and support a uniform incident command  
55 19 system to be used by state agencies responding to emergencies  
55 20 and disasters beginning July 1, 2003. A related change is  
55 21 made to Code section 29C.20, pertaining to a contingent fund  
55 22 governed by the executive council for use in responding to  
55 23 disasters and other emergencies, to authorize payment of  
55 24 expenses and claims from the fund beginning July 1, 2004, for  
55 25 authorized urban search and rescue team activities.

55 26 The division amends section 99G.40(1), if enacted by Senate  
55 27 File 453, to authorize the auditor of state to perform audits  
55 28 on the records and papers of the Iowa lottery authority which

55 29 is created in that bill.  
55 30 Code sections 260C.14, 261.9, and 262.9 are amended to  
55 31 require community colleges, private colleges, or universities  
55 32 under Iowa's tuition grant program, and the board of regents  
55 33 universities to offer options to students who are members of  
55 34 the national guard or military reserves and are called to  
55 35 active state or federal duty. These options include the  
56 1 withdrawal from registration with a full refund of tuition and  
56 2 fees, course grades be given or incomplete grades be given to  
56 3 be made up later for all of the courses, or course grades be  
56 4 given or incomplete grades be given to be made up later for  
56 5 only some of the courses.  
56 6 Code section 284.13(1) is amended to revive the allocation  
56 7 for the team-based variable pay program administered by the  
56 8 department of education during the 2001=2002 fiscal year by  
56 9 providing a \$500,000 allocation from the appropriation for the  
56 10 student achievement and teacher quality program for each  
56 11 fiscal year of the fiscal period beginning July 1, 2003, and  
56 12 ending June 30, 2005.  
56 13 Code section 294A.25(6)=(10) is amended by striking  
56 14 references to phase III in standing Code language that  
56 15 provides for the allocation of educational excellence moneys  
56 16 to the department of education; striking the subsection used  
56 17 to allocate moneys in prior years for the ambassador to  
56 18 education program, which in FY 2003=2004 is funded from a  
56 19 student achievement and teacher quality program allocation;  
56 20 and striking the subsection used to allocate moneys in prior  
56 21 years for purposes of the Iowa mathematics and science  
56 22 coalition. The amendments provide that the allocations for  
56 23 the kindergarten through grade 12 management information  
56 24 system and for the Iowa braille and sight saving school and  
56 25 the Iowa state school for the deaf will be made prior to the  
56 26 allocations provided to meet the minimum teacher salary  
56 27 requirements and salary improvement requirements of Code  
56 28 chapter 294A.  
56 29 The division amends Code sections 321J.2, 321J.4, and  
56 30 321J.12, as amended by 2003 Iowa Acts, House File 65, to  
56 31 provide that a defendant who has been convicted of a first  
56 32 offense operating=while=intoxicated offense whose driver's  
56 33 license or nonresident operating privileges have been revoked  
56 34 and who seeks a temporary restricted license must install an  
56 35 approved ignition interlock device on all vehicles owned or  
57 1 operated by the defendant. This requirement also applies to a  
57 2 defendant whose driver's license or nonresident operating  
57 3 privileges have been revoked administratively due to chemical  
57 4 test failure.  
57 5 Code section 331.604C(4), if enacted by Senate File 453, is  
57 6 amended to change the name of the fund to which locally  
57 7 collected electronic transaction fees are deposited for  
57 8 purposes of providing electronic access to local records from  
57 9 the "state government electronic transaction" fund to the  
57 10 "local electronic government transaction" fund.  
57 11 Code section 422.45 is amended to add a new subsection 64  
57 12 that exempts from the sales and use taxes the access or  
57 13 service charges assessed by financial institutions on  
57 14 noncustomer point of sale or noncustomer use of automated  
57 15 teller machines.  
57 16 Code section 435.26A, as enacted by 2003 Iowa Acts, Senate  
57 17 File 134, is amended to require certain information be  
57 18 provided when the certificate of title for a manufactured home  
57 19 has been surrendered. The amendment also provides for the  
57 20 procedure for the reissuance of a previously surrendered  
57 21 certificate of title for a manufactured home. The amendments  
57 22 are effective upon enactment.  
57 23 Code sections 453C.1 and 453C.2 are amended to allow  
57 24 cigarette manufacturers that are not members of the master  
57 25 settlement agreement and that are required to place moneys  
57 26 into escrow on account for cigarettes to be sold in the state  
57 27 to receive a refund of any excess escrow amounts remitted  
57 28 because of fewer cigarettes sold than anticipated. The  
57 29 amendments take effect upon enactment.  
57 30 Code section 476.33 is amended to require the utilities  
57 31 board to consider for inclusion in the rates for public  
57 32 utilities the capital infrastructure investments that will not  
57 33 produce significant revenues and will be in service within the  
57 34 test year and the cost of capital charges that will occur  
57 35 within nine months following the test year which are  
58 1 associated with a new generating plant. The utilities board  
58 2 is also directed to initiate and coordinate a review of  
58 3 current ratemaking procedures.  
58 4 The division provides that if Senate File 401, relating to

58 5 tobacco law compliance is enacted, a tobacco compliance  
58 6 employee training fund is created in Code section 453A.2  
58 7 consisting of the civil penalties charged for violations of  
58 8 the law for sales to underage purchasers. Moneys in the fund  
58 9 are appropriated to the alcoholic beverages division of the  
58 10 department of commerce for the tobacco compliance employee  
58 11 training program created in Senate File 401. This provision  
58 12 takes effect upon enactment.

58 13 Code section 455D.9 is amended to provide an exception to  
58 14 the prohibition on the land disposal of yard waste if the yard  
58 15 waste is accepted by a sanitary landfill that operates an  
58 16 active methane collection system for the purpose of producing  
58 17 electricity.

58 18 The division amends Senate File 453, section 49, if  
58 19 enacted, which directs the department of human services to  
58 20 create a work group for the redesign of the medical assistance  
58 21 program. The amendment would add members of the medical  
58 22 assistance advisory council to the work group. The medical  
58 23 assistance advisory council participants will bring valuable  
58 24 expertise in each specialized field or industry that would not  
58 25 be available if the insurance industry is the only stakeholder  
58 26 at the table.

58 27 The division repeals the following Code sections, involving  
58 28 programs at Iowa state university of science and technology:  
58 29 Code section 266.8, relating to hazardous waste technical  
58 30 research and assistance program, and Code sections 266.24,  
58 31 266.25, and 266.26, relating to the laboratory for the  
58 32 manufacture and distribution of hog=cholera serum, toxins,  
58 33 vaccines, and biological products.

58 34 The division directs the state committee, if one is formed,  
58 35 to implement the federal Help America Vote Act and the  
59 1 commissioner of elections to report quarterly to the  
59 2 government oversight committees on the status of  
59 3 implementation of the federal Act.

59 4 The division directs the department of corrections to  
59 5 develop a plan to sell to a municipality a 20=acre tract of  
59 6 undeveloped land located adjacent to the Iowa correctional  
59 7 institution for women. Net proceeds of the sale are to be  
59 8 retained by the department to be used for correctional  
59 9 facilities. This provision takes effect upon enactment.

59 10 The division allows a city meeting certain population  
59 11 criteria to make application for refund of sales or use tax  
59 12 paid relative to street and sewer construction projects and  
59 13 for the application to be considered to be timely filed,  
59 14 notwithstanding the one=year application period, if it is  
59 15 filed by August 1, 2003. Any refund paid cannot exceed  
59 16 \$15,000. This provision takes effect upon enactment.

59 17 The division allows a school district located in a county  
59 18 with a certain population to refile for state reimbursement  
59 19 for costs for providing vocational education programs at the  
59 20 secondary level in its district. The amount of reimbursement  
59 21 is limited to 6.5 percent of the costs and to \$6,000 minus any  
59 22 amount previously received from a prior claim for  
59 23 reimbursement of those costs.

59 24 The division also directs the state department of  
59 25 transportation to conduct a study pertaining to administrative  
59 26 efficiencies to be gained in coordination of school and public  
59 27 transportation. A report must be filed by the end of the 2003  
59 28 calendar year.

59 29 The division includes language providing that if  
59 30 supplemental payment adjustments are implemented for physician  
59 31 services provided to medical assistance (Medicaid) program  
59 32 recipients at publicly owned acute care teaching hospitals,  
59 33 the department of human services cannot recoup the adjustments  
59 34 unless an amount is transferred by the department to the  
59 35 qualifying physicians that is equivalent to the amount  
60 1 transferred by the state university of Iowa to the department.

60 2 The division provides for coordination of federal moneys  
60 3 with the projects of the housing trust fund created in this  
60 4 division of the bill.

60 5 The division requires the Iowa Code editor to change the  
60 6 name of the emergency management division of the department of  
60 7 public defense to the homeland security and emergency  
60 8 management division.

60 9 MEDICAL ASSISTANCE PROGRAM == This division amends House  
60 10 File 619 to direct health care facilities to assist the Iowa  
60 11 commission of veterans affairs in identifying residents that  
60 12 may be eligible for rather than actually determining a  
60 13 resident's eligibility for benefits through the federal  
60 14 department of veterans affairs.

60 15 The division adds a new subsection 5A to new Code section

60 16 249A.20A, if enacted by House File 619, that directs the  
60 17 department of human services to adopt rules for disclosure of  
60 18 certain information under the medical assistance preferred  
60 19 drug list program to be developed by the department of human  
60 20 services.

60 21 The division amends Code section 249A.20B, if enacted by  
60 22 House File 619, to provide that under the nursing facility  
60 23 quality assurance assessment, the department of human services  
60 24 is to provide a reimbursement to nursing facilities and is to  
60 25 calculate the amount of the reimbursement as a per patient day  
60 26 amount and pay this amount in addition to the existing  
60 27 reimbursement amount under the case-mix reimbursement rate.

60 28 The division replaces language in House File 619 relating  
60 29 to the case management program for the frail elderly to  
60 30 provide that it is the intent of the general assembly that the  
60 31 department of elder affairs in collaboration with the  
60 32 department of human services, area agencies on aging, advocacy  
60 33 groups, industry representatives, and consumers to submit  
60 34 recommendations regarding the redesign of the program to the  
60 35 general assembly by October 1, 2003. The new language also  
61 1 provides that it is the intent of the general assembly that  
61 2 the department of elder affairs and the department of human  
61 3 services coordinate efforts to resolve issues relating to  
61 4 level of care determinations no later than October 1, 2003.

61 5 The division amends House File 619 to provide that with  
61 6 regard to the nursing facility reimbursement, the department  
61 7 of human services, in consultation with nursing facility  
61 8 representatives is to review projections of state general fund  
61 9 expenditures for nursing facility reimbursement on a quarterly  
61 10 basis and is to consider savings from other nursing facility  
61 11 payment policy changes in the review.

61 12 The division also amends 2003 Iowa Acts, House File 619,  
61 13 relating to chronic care management, to correct references and  
61 14 to provide for contracting for provision of chronic disease  
61 15 management.

61 16 The division provides for use of a portion of the temporary  
61 17 assistance for needy families moneys carried forward from FY  
61 18 2002=2003, and to direct the commission of veterans affairs to  
61 19 work with the commandant of the Iowa veterans home, the  
61 20 department of human services, and the department of  
61 21 inspections and appeals to identify residents of health care  
61 22 facilities who may be eligible for benefits through the  
61 23 federal department of veterans affairs.

61 24 LSB 1133XC 80  
61 25 mg/sh/8